



# The Connecticut Surveyor

Volume 20, Issue 4

Connecticut Association of Land Surveyors - 78 Beaver Road, Wethersfield, CT 06109

## Jay Doody gets National Recognition by winning the 2015 Earle J. Fennell Award from NSPS



John J. Doody L.S., P.E.

In honor of Earle J. Fennell, the American Congress on Surveying & Mapping (ACSM) President 1966-1967, and ACSM Executive Director 1968-1971, ACSM created this award to be presented for distinguished educational contributions to the surveying and mapping profession. Since the ACSM/NSPS merger, NSPS continues the tradition of this award.

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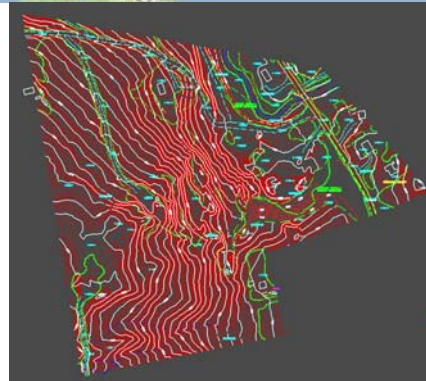
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## Jay Doody gets National Recognition by winning the 2015 Earle J. Fennell Award from NSPS continued...

### Education:

- Annandale, Virginia High School 1969
- University of New Haven, BS, MS Environmental Engineering

### Other professional affiliations:

- Geomatics Society of New England (formerly New England Section of ACSM), serving as secretary.
- NSPS

Jay has been a member of CALS since 1989, volunteering consistently first as a director representing the Public Sector Council, and then chairing both the Scholarship Committee and the Continuing Education Committee as well as numerous other committees for CALS.

### Employment:

He retired from the CT Department of Transportation in 2009 after 35 years of service as Transportation Principal Engineer in the Surveying Department.

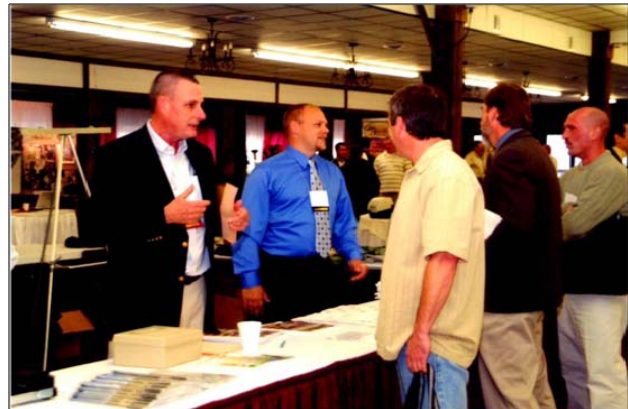
Jay is currently part-time on the faculty of Central Connecticut State University, Engineering Department.

Jay is clearly passionate about students and their education for their future. Each year he organizes numerous seminars, solicits speakers, applies to other states for continuing education credits, and many times presents seminars, and then pays to attend or donates his fee back to the CALS Scholarship Fund. In 2013, he was solely responsible for the first CALS webinar, which is clearly the way of the future, where registrants do not have to leave the comfort of their office to take part in an educational presentation.



He was extremely instrumental in the creation of the Land Surveyors Certificate program at Charter Oak State College. The certificate in Land Surveying is designed for students with a background in land surveying who desire to advance their knowledge of the art and science of the profession and better prepare themselves for professional licensure. It is also designed to allow students with no land surveying experience to better transition into the profession.

Jay is totally devoted to education and his commitment to students. Through his guidance, CALS recently adopted a mentoring program for all full-time students from Connecticut, who are studying land surveying. In July 2013, he invited a first year student at the University of Maine to calibrate total stations at Central Connecticut State University for a few of days and paid him a stipend out of his own pocket.



He organizes and promotes all seminars and workshops for CALS many of which he personally presents never accepting any payment for his time. It should be noted that all of Jay's seminars are filled to capacity as he is an excellent speaker, well informed, and highly respected.

“How people treat you is their karma; how you react is yours.”

## Jay Doody gets National Recognition by winning the 2015 Earle J. Fennell Award from NSPS continued...

In 2007, CALS started looking into the problems associated with the then DEP tidal regulatory line, as predicted tide rather than physical evidence. He teamed up with a highly respected surveyor (Bill Giel) and together they did field elevations relating wrack lines and vegetation along the shoreline to compare with the predicted tide elevations which were found to be closely correlated with the highest wrack lines on the shore. They found a highest predicted tide that was not exceeded between 1907 and 2040, and it happened to be found in the present tidal epoch, October 16, 1993. These values, taken from NOAA primary tide stations, form the basis of the coastal jurisdiction line (CJL) elevations starting October 1, 2012.



**Presenting Scholarships**

The process of developing and checking the predicted tide against field evidence and mean high water resulted in the collection of tidal data in the NAVD88 datum for almost all tide stations in CT, including a number of NOAA tide stations that have no published relationship to the NAVD88 datum on the internet. This is because the surveyors from NOAA only tie into 2 NGS benchmarks within 1 mile of the tide station. If there is only 1 benchmark within 1 mile, or none, the tidal data is published only in the MLLW datum, which is not useful to land surveyors. Further, NOAA requires that efforts run vertical control into tidal benchmarks must be “blue booked,” which is expensive and time consuming. Jay wrote and published a book that contains NAVD88 conversions that do not meet NOAA requirements but have proven to be accurate for the use of surveyors in CT.

This book has proven to be such a useful tool that CALS has had to have it reprinted twice. Jay has not accepted any compensation for his countless hours of work, instead donating all proceeds to CALS.

Jay has received the following awards from CALS:

- **1997 Certificate of Appreciation**
- **1999 Surveyor of the Year**
- **2001 Surveyor of the Year**
- **2013 Distinguished Surveyor Award**

The Distinguished Surveyor Award is the most prestigious award that CALS can bestow on anyone. Only 4 CALS members have received this award in 47 years.



**2013 Distinguished Surveyor Award**

Jay will be presented with his certificate from the National Society of Professional Surveyors (NSPS) at the CALS Annual Meeting in November 2015. Be sure to join us to honor this distinguished member of our association.



“How people treat you is their karma; how you react is yours.”

Attorney Kevin Reynolds, CALS Sustaining Member and Lobbyist, to speak at CALS General Membership Meeting in May 7, 2015, at Chuck's Steak House, Rocky Hill, CT



2015 has been a very interesting session at the State Capital with the introduction of many pieces of legislation that could have an impact on land surveyors in Connecticut, with issues such as mandatory continuing education, licensure requirements, adverse possession, statute of limitations and prevailing wages.

Join us and learn the progress of these bills and how they are being monitored for CALS throughout the legislative session.

**Seating is limited to 40 so register today!**

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**CALS 2015 General Membership Meeting Registration Form**

Name \_\_\_\_\_

Company \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

Please reserve \_\_ seats for the CALS General Membership Meeting at \$45 per person.

Meal selections will be ordered at the meeting.

MasterCard or Visa account number, expiration date & signature.

# \_\_\_\_\_ exp.date: \_\_\_\_\_

Signature: \_\_\_\_\_

Total Enclosed \_\_\_\_\_

*Mail to: CALS General Membership Meeting  
78 Beaver Road, Wethersfield, CT 06109*

**“How people treat you is their karma; how you react is yours.”**

## Jay Doody, LS, PE, receives the First Certificate in Land Surveying from Charter Oak State College

Charter Oak State College (COSC) has awarded its first Land surveying Certificate to Jay Doody, PS & PE this winter. The Connecticut Association of Land Surveyors worked with Charter Oak over a number of years to develop an academic pathway for technicians and non-surveyors to gain academic recognition for their surveying/geomatics related courses taken. The certificate was approved by the Connecticut Board of Higher Education in December, 2011.

The unique aspect of this certificate is its recognition of professional achievements in passing the FS and PS examinations, as well as the CST Levels 2 and 3 exams, in addition to transferring credit for any qualifying course from other colleges and universities. The Land Certificate is not a substitute for a BS or AS in surveying, but it gives Connecticut residents an opportunity to achieve academic recognition right here in Connecticut. A number of required courses are offered on line at Charter Oak College, including EGR 410 Boundary Law, PLG 210 Legal Research, and M105 Statistics.

In receiving the certificate from Dr. Shirley Adams, Provost of Charter Oak State College, Jay thanked the school for its efforts over the last 5 years. Jay's comment was "Although I have received an MS and BS in Civil Engineering, the certificate in Land Surveying is an achievement in my field, surveying, for which I am most proud." EGR 410 Boundary law will be offered in the fall of 2015 and every semester in the future. Anyone interested in learning more about the land surveying certificate can contact Jay Doody at [jjdoody@snet.net](mailto:jjdoody@snet.net).



“How people treat you is their karma; how you react is yours.”

# Technology Day in CT

RS VP

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“How people treat you is their karma; how you react is yours.”

# Pay Your Member Dues Dues Today!

CALS is a professional organization dedicated to enhancing the development and professionalism of surveyors throughout Connecticut. We accomplish this through workshops, informational meetings, identifying legislative issues of interest to CALS members and lobbying on their behalf. One of the greatest benefits CALS offers is the on-going support members provide to one another. When one of us succeeds, we all do.

Each year, CALS spends nearly \$20,000 on lawmaking efforts to protect the public and YOU. Some important legislative issues we have impacted include the Trespass Bill, which allows surveyors to enter private property to perform their duties (CALS sells laminated copies of this bill that you can keep in your wallet), Disturbance of Monumentation, that fines individuals who remove markers set by licensed land surveyors, and the definition of a land surveyor. As you may be aware, most New England States currently have mandatory continuing education requirements. It was brought before the Connecticut State Legislature this year, and we were there.

In addition, CALS Secretary Angus McDonald, Jr. serves as liaison with the Connecticut Town Clerks, to clarify and resolve issues regarding the filing of maps, an important issue for licensed land surveyors.

Visit the CALS website. Typically this is the resource where most people turn when they are looking for the services of a land surveyor. By clicking on the compass on the home page, one can simply enter a zip code and a listing of CALS Firm Members in that area will appear, with links over to each individual firm. The radius can be expanded as much as desired. Simply as a marketing tool, your company should be listed.

In 2013, CALS voting members overwhelmingly approved the 100% NSPS membership program. If you were to join NSPS individually, your annual fee would be over \$200, but by being a CALS member your yearly membership fee is only \$40. All CALS voting members are included. The national representation and the individual benefits are immeasurable.

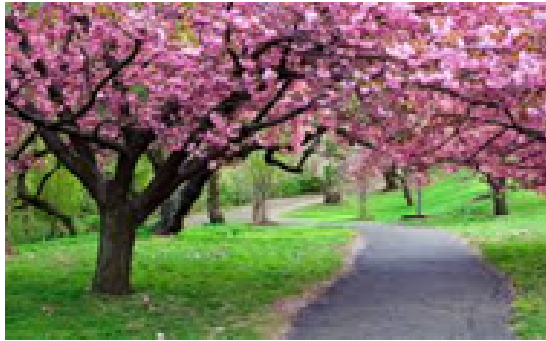
You are a member of a very elite group with slightly more than 700 licensed land surveyors in Connecticut. More than 400 of your fellow professionals are currently members of CALS.

**If you have not yet paid your 2015 membership dues PLEASE do so today!**

**Anyone who has not paid their 2015 dues by April 30th, may be dropped and thus lose any advantages earned toward becoming a retired member or life member in future years.**







It may not feel like it in some parts of the United States, but spring has arrived and that means it's allergy season.

About 50 million Americans have seasonal allergies - also called hay fever -- and suffer symptoms such as sneezing, stuffy or runny noses, and itchy eyes, nose and throat, according to the American College of Allergy, Asthma and Immunology.

"Even with snow still on the ground, trees have started budding and are the first to produce pollen, creating major problems for people with allergies," Dr. David Rosenstreich, chief of the division of allergy and immunology at Montefiore Medical Center in New York City, said in a hospital news release.

"The symptoms people experience often resemble a common cold, but, if it happens every year at this time, it's most likely to be allergies," he explained.

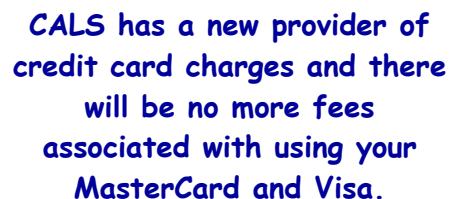
Over-the-counter and prescription medications can help reduce allergy symptoms.

"By taking medicine early, you can prevent the symptoms before they begin," Rosenstreich said. "If you start after the symptoms are in full swing, it's much harder to stop the allergic reaction than to prevent it from the beginning."

There are a number of other things you can do to control allergy symptoms, such as limiting your time outdoors on days with high pollen counts, and keeping your house and car windows closed to keep pollen out.

It's also a good idea to use an air conditioner, which filters the outside air before it enters your home. Don't mow your lawn or rake leaves, because this stirs up pollens and molds. Wash your hair after you've been outdoors, and don't hang sheets or clothes outside to dry.

"There's no reason for people with allergies to suffer. As long as you take the proper precautions, you should be able to enjoy the outdoors and make the most of the warm weather," Rosenstreich said.



**CALS has a new provider of credit card charges and there will be no more fees associated with using your MasterCard and Visa.**

“How people treat you is their karma; how you react is yours.”

## CALS 2015 Golf Outing to be held at Timberlin Golf Club in Berlin, CT



It's not too early to start thinking "Spring" and enjoying the outdoors!

This year CALS has scheduled a great outing at Timberlin Golf Club in Berlin CT on Wednesday, June 24th.

Centrally located, this will give our golfing members a chance to try a new course and enjoy the day outside with your friends and associates.

Mark your calendar and look for a brochure coming soon!




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### CALS Auxiliary

CALS "First Lady" Joan McGill recently accompanied her husband Jeff McDougal, CALS president, to the NYSPLS Annual Meeting and found that she enjoyed the presentations as much as he did! NYSPLS has an active auxiliary that is totally committed to raising money, providing interesting and informative seminars, and sponsoring future surveying students.

Ms. McGill wondered why doesn't CALS have such a program? She contacted Kathy at the CALS office and together they hope to establish a similar program where those of us who are not surveyors, can volunteer and support the efforts of CALS, thus enhancing all that the association has to offer.

We hope to kick off this endeavor at the annual meeting in November by offering alternative activities for those who attend the conference.

#### Remember:

- **Volunteers Gain New Experiences and Insights**
- **Volunteers Give Back and Helping Others**
- **Volunteers Create Connections with People**
- **Volunteers Create A Sense of Accomplishment**
- **Volunteers Help Build Career Goals**



Please call Kathy at the CALS office if you or someone you know would like to become involved with CALS. Please pass this on to your spouse/partner. Thank you.

“How people treat you is their karma; how you react is yours.”

## Common Research Mistakes Surveyors Make (Seniority of Title)

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

I am often involved in litigation involving surveying services and research mistakes. (I must also admit that in excess of forty years of practice, I have made my share of mistakes performing record research.) There are five common mistakes often made by surveyors when researching the records. The first article will explain the common mistake made by surveyors when determining senior title.

Many surveyors are under the misunderstanding that once a person conveys property, they cannot subsequently convey good title in the same property to another person. This is never true. In fact, there is not a single state recording act that would place senior title with the first grantee unless the grantee took immediate steps to record the deed or take possession of the property.

The recording acts in all states fall into one of three general categories of statute: 1) Race, 2) Notice, and 3) Race-Notice. The general definition of each category is the following:

**Race** — The first person to record their deed has senior title regardless of the sequence the conveyances were made or the knowledge a grantee had of an earlier conveyance.

**Notice** — The last conveyance made where the grantee did not have notice of an earlier conveyance has senior title

**Race-Notice** — The first person to record their deed who was conveyed the property without notice of an earlier conveyance has senior title.

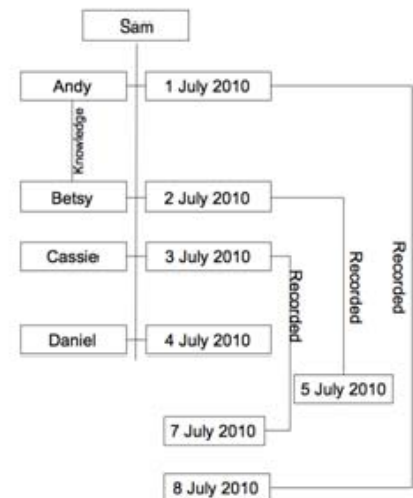
Consider the following example: Sam conveys a lot to Andy on 1 July 2010. A short time later, Andy tells Betsy that he purchased the lot from Sam. Betsy goes to Sam and offers to buy the same lot that Sam sold to Andy. Even after Sam explains to Betsy that he has already conveyed the lot to Andy, Betsy insists of paying money to Sam in order to obtain a deed to the lot. Sam, with marginal ethics, goes for the money and conveys the same lot to Betsy on 2 July 2010 that was previously sold to Andy. Sam now realizes he can make a considerable profit if he keeps conveying the same lot to other individuals without knowledge of an earlier conveyance

of the lot. Consequently, Sam conveys the same lot to Cassie on 3 July 2010. On 4 July, Sam conveys the same lot to Daniel. On 5 July, Betsy records her deed. (Thereby providing “the world” constructive notice of a conveyance of the lot from Sam.) On 7 July, Cassie records her deed. On 8 July Andy records his deed. Daniel never records his deed.

Even though Andy was the first conveyance from Sam, he does NOT have senior title under any of the recording acts. Under the “race” category of recording act, Betsy has senior title. Betsy was the first to record a deed to the lot. Under the “notice” category of recording act, Daniel has senior title. Daniel was the last person to be conveyed the lot without notice of an earlier conveyance. In fact, Daniel will have senior title under a notice category of recording act even though Daniel never records his deed. Under a “race-notice” category of recording act, Cassie has senior title. Cassie was the first person to record a deed from Sam that was delivered to her without notice of an earlier conveyance.

As can be seen from this example, without knowledge of the category of a state’s recording statute, surveyors will often terminate their record research prematurely or will mistakenly determine senior title resides with the wrong person in a situation such as an overlap.

A surveyor should take the time and determine what category of recording statute is effective in their state. At least two states have more than one category of recording act in effect.



† Knud is a professor in the surveying engineering technology program at the University of Maine. He offers consulting services in the area of boundary litigation, title, easements, land development, and alternate dispute resolution.



## Unlicensed Practice of Land Surveying

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

### 1. Introduction

The non-licensed practice of land surveying is often numerous and widespread. In many cases members of the public are innocent victims. In other cases members of the public are willing participants, preferring to sacrifice quality for the low price and quick speed often provided by the non-licensed practitioner.

### 2. Practice of Land Surveying Defined

The Maine Legislature, in 32 M.R.S.A. § 13901(6), defines the practice of land surveying to be “any service or work involving the application of special knowledge of the rules of evidence and boundary laws, principles of mathematics and the related physical and applied sciences for measuring and locating lines, angles, elevations, natural and man-made features in the air, on the surface of the earth, within underground workings and on the beds of bodies of water. This service or work shall be for the purposes of determining areas and volumes, for the monumenting of property boundaries and for the platting and layout of lands and subdivisions of land, including topography, alignment and grades of streets and for the preparation and perpetuation of maps, record plats, field note records and property descriptions that represent these surveys.” (underline mine)

### 3. Practice Prohibited

The Maine Legislature, under 32 M.R.S.A. § 13904(1), has prohibited the practice of land surveying by persons unless the individual is licensed as a professional land surveyor or specifically falls under an exemption enumerated under 32 M.R.S.A. § 13912. The exemptions are few. It should be noted that there is no landowner exemption sometimes found in other state licensing acts.

### 4. Rationale

There are two overriding reasons for restricting the practice of land surveying to licensed surveyors. First, fixing boundaries involves the delineation of a line that is or will become a demarcation between two or more persons. Persons will spend considerable money on the erection of valuable improvements in reliance on the soundness of their title and the location of their common boundary. In boundary disputes, small inaccuracies often become large problems. The improper location or the inadequate description of the common boundary may jeopardize the title and the improvements that are subsequently erected. Life savings can be spent correcting a problem. In some cases strife and even bloodshed have resulted over disputed boundary locations.

“[L]and line cases usually generate a lot

of heat and sometimes violence. These disputes involve the ownership of strips of land often only a few inches wide. For one reason or another, the narrower the strip of land in dispute, the more intense the feeling between the parties. Also, the less the property in dispute is worth, the greater the hostility. Before the case reaches the lawyers, angry words have usually passed between the parties. Sometimes a gun has been drawn, and before the case is over, a fight is not unusual. Now and then a party takes a ‘pot-shot’ at his adversary; homicides are not unknown. Brother has slain brother; kin have fought kin; and neighbor has killed neighbor. It sometimes happens that the best and most reasonable citizens becomes involved in a land line suit, and nothing herein is intended to criticize or poke fun at such unfortunate persons. No man should be criticized for defending his rights.” Justice Robert G. Gillespie, “Some Animadversions on Land Line Cases,” 33 *Mississippi Law Journal* 151 (March 1962)

In this State, and all states for that matter, the courts have dealt with hundreds of cases that involve disputed boundaries. Consequently, every State has recognized the importance of properly locating and describing boundaries and have restricted the establishment and retracement of boundaries to licensed surveyors. To allow such an important and potentially litigious service to be performed by the landowner or layperson would merely exacerbate an existing problem or create a problem where none existed previously.

Second, the retracement of boundaries involves both technical knowledge and legal knowledge. There are many persons who have the technical knowledge required to make surveying measurements but lack the legal knowledge to fix boundaries with accuracy and certainty. Likewise there are many persons who have the legal knowledge but lack the technical knowledge. For want of one or the other, many boundary problems are created. The licensing act recognizes that both the technical knowledge and legal knowledge must be garnered by education and experience and proven by comprehensive testing. Furthermore, the maintenance of the knowledge is required by mandatory continuing education.

“How people treat you is their karma; how you react is yours.”

## Unlicensed Practice of Land Surveying continued...

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

There are some individuals that will argue that only the technical knowledge is required in the subdivision of property. This statement shows a shallow knowledge for the complexities involved in creating boundaries. Similar logic would allow a seamstress to sew up cuts on the human body. The simple subdivision, no less than the complex subdivision, requires a knowledge of subdivision regulations, familiarity with environmental restrictions, understanding of surveying standards, monumentation to protect the lot owner's investment, and the skill necessary to write an adequate description that will permit the accurate retracement of the boundaries many years later. Again, the Maine Legislature has mandated land subdivisions be done by licensed surveyors. First, 33 M.R.S.A. § 652 says "No plan may be accepted for recording unless all of the following criteria are met....2. Seals. Be embossed with the seal of [a] ... registered land surveyor; 3. Signature. Contain the signature and address of the person who prepared the plan...." Furthermore, all municipal subdivisions require monumentation be set. Maine statute, 30-A M.R.S.A. § 4406(2), says "No person may sell or convey any land in an approved subdivision unless at least one permanent marker is set at one lot corner of the lot sold or conveyed...." Returning to the definition of the practice of land surveying, clearly the practice of land surveying includes "the monumenting of property boundaries" (32 M.R.S.A. § 13901(6)).

### 5. Liability for Non-Licensed Practice

There are four common mechanisms for holding non-licensed survey practitioners liable for their acts. First, 32 M.R.S.A. § 13904(1) provides that "a person may not practice land surveying ... unless the person is licensed in accordance with this chapter." Failure to abide by this regulation subjects the person to criminal prosecution, the violation of which is a Class E crime (32 M.R.S.A. § 13904(3))

Second, the Maine Legislature has provided possible civil remedies against non-licensed individuals under the Uniform Deceptive Trade Practices Act (10 M.R.S.A. §§ 1211-1216). Under 10 M.R.S.A. § 1212, an unlicensed practitioner is likely to be guilty of "Pass[ing] off ... services as those of another" (10 M.R.S.A. § 1212.1(A)); "caus[ing] likelihood of confusion or of misunderstanding as to ... certification by, another" (10 M.R.S.A. § 1212.1(C)); "represents that ... services have ... approval, characteristics, ... or quantities that they do not have, or that a person has ... approval, status, [or] affiliation ... he does not have" (10 M.R.S.A. § 1212

(E)); "represents that ... services are of a particular standard, quality or grade...." (10 M.R.S.A. § 1212.1(G)); or "engages in any other conduct which similarly creates a likelihood of confusion or of misunderstanding" (10 M.R.S.A. § 1212.1(L)).

Under the Uniform Deceptive Trade Practices Act, "a complainant need not prove competition between the parties or actual confusion or misunderstanding" (10 M.R.S.A. § 1212.2). Furthermore, "Proof of monetary damage, loss of profits or intent to deceive is not required" (10 M.R.S.A. § 1213). Where there have been intentional deceptive trade practices, attorney fees may be awarded to the complainant (10 M.R.S.A. § 1213).

Third, the non-licensed individual is subject to all tort claims such as negligence, misrepresentation, etc. that a licensed individual would ordinarily be exposed to for the failure to perform a surveyor's duty in a reasonable manner. However, the non-licensed person can be expected to have more difficulty in defending their conduct. First, their conduct will be judged on the same basis as a licensed surveyor - that of similarly situated licensed surveyors in the same or similar circumstances. In other words, the non-licensed practitioner would be exposed to liability if they breach conduct expected from licensed surveyors. Furthermore, the non-licensed practitioner, contrary to the licensed surveyor, will likely have numerous licensed expert witnesses able and willing to testify against the non-licensed practitioner's standards and procedures.

Fourth and finally, most courts refuse to entertain any legal action by a non-licensed practitioner against their client when the non-licensed practitioner is attempting to collect a fee owed the non-licensed practitioner (See e.g., *U.S. Nursing Corporation v. Saint Joseph Medical Center*, 842 F.Supp. 1103 (N.D. Illinois, E.D. 1994); *Roberts v. State of Arizona*, 880 P.2d 1159, 179 Ariz. 613 (1994); *Lawler And Company v. Hare*, 587 So.2d 387 (Ala. 1991); *D.R. Gallo Builders, Inc. v. Travelodge International, Inc.*, 263 Cal.Rptr. 689, 215 Cal.App.3d 221 (1989)). This has been true even where the client knew the individual was not licensed yet still sought the individual's surveying services. Consequently, the non-licensed individual is without legal recourse in collecting fees that a client refuses to pay, regardless of the basis for the refusal.

"How people treat you is their karma; how you react is yours."

## Unlicensed Practice of Land Surveying continued...

### 6. Recommendations

There are no straightforward recommendations that will effectively deal with the unlicensed practice of land surveying. Evidence of misconduct is often difficult to come by since the unlicensed practitioner is often sly enough to practice out of sight and without leaving a paper trail. In the few cases where documents are required, the unlicensed practitioner is often able to find a licensed surveyor willing to sell their integrity along with their seal and signature. Sadly, where evidence is available, criminal prosecution by the district attorney or Attorney General is often slow or simply refused. The injured landowner and licensed practitioner are often compelled to pursue remedies in civil court that are time consuming, expensive, and do not always provide relief. Civil suits often bring counter-suits. The letter to cease practice will often bring disparaging replies or be ignored.

One action that has provided some measure of justice with relative ease (provided the facts are clear and truthful) is the filing of an affidavit in the Recorder of Deeds office of the county where unlicensed practice has occurred. A rendition of truthful facts has usually caused title attorneys some concern regarding the title and consequently scared off potential buyers — at least until a licensed surveyor examines the boundaries and resolves any boundary problems. The following or similar affidavit is often used:

#### Affidavit to Illuminate the Record

1. I,         , am a licensed surveyor in the State of         .
2. My office is located at         .
3. In providing surveying services in the town of         , county of         , State of Maine, I came across a document dated         , titled         , depicting apparent boundary directions, distances, corner monuments, and other surveying and boundary related matters.
4. On or before         , this document was          [in the possession of         /recorded in book         , page         ].
5. The information found in this document is all or substantially the same as found in the descriptions for deeds found in deed book         , page         ; deed book         , page         ; and deed book         , page         .
6. The document contains the name of          in addition to         , the reputed name of the landowner.
7. The document does not contain the seal of a licensed land surveyor.
8. A careful examination of the 199         Roster of Professional Land Surveyors promulgated by the State of

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

Maine Board of Licensure for Professional Land Surveyors does not include the names shown on the document.

9. It is my professional opinion that the document fairly appears to be the platting and layout of lands, subdivision of land, or the preparation and perpetuation of property descriptions that represent a survey.
  10. Maine statute 32 M.R.S.A. § 13901(6), defines the practice of land surveying to be “any service or work involving the application of special knowledge of the rules of evidence and boundary laws, principles of mathematics and the related physical and applied sciences for measuring and locating lines, angles, elevations, natural and man-made features in the air, on the surface of the earth, within underground workings and on the beds of bodies of water. This service or work shall be for the purposes of determining areas and volumes, for the monumenting of property boundaries and for the platting and layout of lands and subdivisions of land, including topography, alignment and grades of streets and for the preparation and perpetuation of maps, record plats, field note records and property descriptions that represent these surveys.”
  11. It is my professional opinion that the document and resulting description does not meet the current minimum standards of surveying practice as promulgated by the Board of Licensure for Professional Land Surveyors.
  12. Affiant further saith not.
- Dated at         , State of         , this          Day of          19         typed name  
State of Maine, County of         , Town of         , ss
- Personally appeared the above named          and made oath to the truth of the foregoing statements and also acknowledged this instrument to be his/her free act and deed.
- typed name

Notary Public

### 7. Conclusion

In concluding this report, it should be noted that the unlicensed practice of land surveying will not be eliminated regardless of the ease or availability of civil remedies and intensity of prosecution by authorities. The land surveying profession can take steps to identify and warn unlicensed practitioners about their conduct, disseminate information to protect innocent landowners, and educate conspiring landowners about the risk they incur by knowingly using unlicensed practitioners.



“How people treat you is their karma; how you react is yours.”

## Classified

### Summer Help Available

- CALS Member is looking for an entry level position, as a rod person, for the summer. He is a student at Three Rivers Community College, majoring in Civil Engineering and has some experience from his lab work. This bright, young, undergraduate lives in Sterling, CT, close to the Rhode Island border. You will not regret giving him an opportunity. Please respond to [colinpailthorpe@gmail.com](mailto:colinpailthorpe@gmail.com).
- Jay Doody is teaching Introduction to GPS in the Civil Engineering Department at CCSU. He has 9 seniors, 8 juniors and 8 sophomores, many of whom will be looking for jobs after graduation or summer positions. All the students have taken a surveying course and are now taking GPS. If you are looking to hire new engineers or surveyors permanently or for the summer please contact, Jay Doody [jjdoody@snet.net](mailto:jjdoody@snet.net), 203-933-3850.

### Fairfield County

- **Survey/Field Technicians** to join the Redniss & Mead Team of Land Surveying, Civil Engineering, and Land-Use Planning professionals in a growing firm located in Fairfield County, CT. Candidates should have 3+ years experience in the surveying field and experience in the processing and preparation of all types of surveys, including boundary surveys, topographic surveys and construction layout. Knowledge of AutoCAD and Data Collection is required. Responsibilities include performing fieldwork, processing and mapping of fieldwork, coordination with clients and in-house staff. Work for this position will be on a variety of project types including residential, commercial and institutional. For consideration, please forward your resume to Lawrence W. Posson, PLS, Director of Surveying: [L.Posson@rednissmead.com](mailto:L.Posson@rednissmead.com). We are an Equal Opportunity Employer and offer a competitive compensation package including salary, medical benefits, paid vacation, paid holidays, performance bonuses, 401K retirement plan, direct deposit, and a health club membership.

Pereira Engineering, LLC is an established Civil/Environmental/Land Surveying firm located in Shelton, CT and we are looking to fill the following positions as of January 2015:

- **Instrument man/survey technician:** We are seeking an experienced Instrument Man / Survey Technician with a minimum of five (5) years experience in all facets of land surveying from boundary surveying to construction layout. The qualified candidate must be highly-motivated and detail-oriented and must be familiar with Trimble Instruments, Trimble Data Collectors, and GNSS systems. AutoCAD Civil 3D experience a real plus! Duties include field surveying, downloading/uploading survey data, land record research, and AutoCAD drafting.
- **Civil Engineer:** We are seeking a Civil/Site Engineer experienced in various types of site development projects including residential, commercial, and municipal projects. Responsibilities include the design of site layouts, subdivisions, septic systems, storm and sanitary sewers, stormwater management systems, grading, roads, and hydrologic/hydraulic studies. Duties will include preparation of plans, specifications, and calculations as well as coordination with other design professionals and public officials. Qualified candidate must have a B.S. in Civil Engineering from an accredited engineering program and must be proficient with AutoCAD Civil 3D and other commonly used design and drainage analysis software. Candidate must also be organized, highly-motivated, and detail-oriented.

Pereira Engineering offers a very competitive salary and benefits package including Major Medical Insurance, 401(k) Profit Sharing Plan, Life Insurance including Short-Term Disability and AD&D coverage, paid Vacation, Holidays, Sick Days, and Direct Deposit for payroll.

Please email resume and salary requirements to: [joe.pereira@pereiraeng.com](mailto:joe.pereira@pereiraeng.com) or fax to: (203) 944-9945.

- **CAD Technician** with Land Surveying Experience.  
Full time for Civil Engineering/Surveying company located in Greenwich, CT.

“How people treat you is their karma; how you react is yours.”

## Classified

### Hartford County

- **Party Chief:** Martin Surveying Associates, LLC is a growing firm located in New Britain, Connecticut is seeking a party chief with the following qualifications:
  - 5+ years of experience in the role of a Party Chief.
  - Ability to perform and work as a one-person crew utilizing robotic total stations and GPS equipment.
  - Experienced in ALTA/ASCM Surveys, boundary surveys, topographic surveys and construction layout on large commercial projects.

AutoCAD experience a plus.

Please send Resume to: Martin Surveying Associates, LLC, 321 Ellis Street, New Britain, CT 06051  
martinsurveying148@yahoo.com

### New Haven County

- **Survey Field Technician:** Milone & MacBroom, Inc. is a growing multidisciplinary engineering, planning, landscape architecture, and environmental science consulting firm. Our corporate office is located in Cheshire, Connecticut with satellite office locations in Maine; New York; South Carolina; Massachusetts; and Vermont. We are looking for talented Survey Field Technicians (Rod Person) to join our Survey team and perform field boundary, topographic and construction surveys for various projects in the New England area. The candidates should have zero to two years experience in land survey field work, knowledge of field instruments and proficient computer skills required. College degree and CAD experience preferred. Excellent oral and written communicative skills required. All candidates should have a strong work ethic, enjoy working outdoors in a technical capacity, working individually or in a team, willing and eager to learn, and looking to take on more responsibility.
- **Survey Party Chief** to join our Survey department and work on a wide variety of land surveying projects. The qualified candidate should have three or more years field experience, knowledge of field instruments and proficient computer skills required. College degree and CAD experience preferred. Excellent oral and written communicative skills required. He/she should have a strong work ethic, enjoy working outdoors in a technical capacity, working individually or in a team, willing and eager to learn, and looking to take on more responsibility.

We offer a competitive salary, opportunity for advancement, a comprehensive benefits package, and a flexible and positive work environment. Our success depends on attracting the best talent and continuously striving to improve what we do and how we do it. There are no barriers to where your talent can lead you.

Interested applicants may submit their resume to: Pamela Harris, Human Resources Manager Milone & MacBroom, Inc. 99 Realty Drive, Cheshire, CT 06410 [pamh@miloneandmacbroom.com](mailto:pamh@miloneandmacbroom.com) (203) 271-1773  
Milone & MacBroom, Inc. is an Affirmative Action/Equal Opportunity Employer M/F/D/V





# April 2015



Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1 	2	3 Good Friday  Passover Begins	4
5	6	7	8 CAL S office will be closed 	9 CAL S office will be closed 	10 CAL S office will be closed 	11
12	13 CAL S office will be closed 	14	15	16 Holocaust Remember- ance Day <b>We must- Never Forget</b>	17	18
19	20	21	22 	23	24	25
26	27	28	29	30 BOD Meeting		



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[tklaben@berntsen.com](mailto:tklaben@berntsen.com)

**BUNCE INDUSTRIES, LLC**  
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