



International Right of Way Association

Kachina Chapter 28

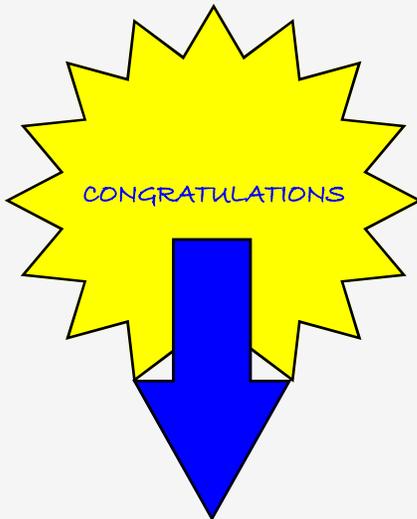
Phoenix, Arizona

Chapter Newsletter

www.irwaaz.com

OCTOBER, 2003

Seminar Wrap-Up Meeting
Wednesday, October 1, 2003
Holiday Inn Select
Lounge Area
4:45pm



CHAPTER 28 has 2 new SR/WA's
Daniel Kovochich
Linda Beals

"Stick a fork in it, it's done!"

5:00pm, Friday, September 19, 2003
Melita Hillman, SR/WA,
Chapter President & Seminar Co-Chair

45th Annual Educational Seminar

Another Seminar is in the history books. Many thanks to the people who planned it, the financial support from our Corporate Donors, the Speakers, and especially those who attended. Your comments and feedback are welcome as this is how we improve and refine the Seminar each year.

Special Awards

The following awards were given out at the Seminar Luncheon on September 18th:

Employer of the Year: Maricopa County Public Works

Professional of the Year: Chris Banks, SR/WA

Special Service Awards: Gregg Tuttle, Dan Kovochich & Pamela Hicks

2004 Chapter Officers

President: Douglas McLaughlin, SR/WA
President-Elect: Chris Banks, SR/WA
Secretary: Michael Sterling
Treasurer: Toni Soderman, SR/WA
Int'l Director (1 Year): Melita Hillman, SR/WA

The 2004 PDC will be represented by:
Chair: Larry Ambrosier, SR/WA
2 Year: Al Dickie, SR/WA
3 Year: Michael Wilson, SR/WA

Dan and Jessica Kovochich have welcomed a new bundle of joy into their home.

Kaitlyn Marie Kovochich

Born: September 11, 2003
7 lbs, 13 ounces
20 inches long

Best wishes from Chapter 28!!!

Membership

Rebekah Louis, Chair

The following applicant was approved for membership at the September 3rd Executive Board Meeting:

- J. Douglas Estes, Sell & Associates

The following applicants were read for 30 day consideration at the September 3rd Executive Board Meeting:

- L Christina Biggs, Universal Field Services
- Doug Hansen, Pinal County Public Works
- Cathy Martinez, Salt River Pima-Maricopa Indian Community (ECS Design Division)

For membership information, visit the Chapter website at www.irwaaz.com or contact Rebekah at 602.236.8195

Professional Development Committee

Toni Soderman, SR/WA, Chair

We have three new SR/WA Candidates:

Coral Sheehan
Gayle Estes
M. Earl Lewis, Jr.

The core courses required to become an SR/WA are:

- Option #1:** Successfully complete the following courses: C-200 (2 days), C-400 (2 days), C-800 (2 days), and C-900 (2 days).
- Option #2:** Successfully complete the following courses: C-100 (4 days) and any two of the following courses: C-200, C-400, C-800, and C-900. If a candidate elects this option, they must complete as a part of their twelve days of elective courses a minimum of two days of course work in any of the following disciplines; Asset (Property) Management, Environment, or Relocation Assistance.

PLUS:

- c. Successfully complete C-103 or C-104
- d. Successfully complete a total of four days of any 200 level courses (other than C-200)
- e. A total of twelve days of other courses, six days of which must be IRWA courses. Non-IRWA courses (maximum of six days) can be from approved comparable courses.

If you would like to submit an SR/WA application, please mail it to me, along with a check for \$160.00 made out to the International Right of Way Association, Toni Soderman, at Maricopa County Department of Transportation, Right-of-Way Division, 2901 W. Durango St., Phoenix, Arizona, 85009-6357.

IRWA application forms can be found on the Internet at www.irwaonline.org. Requirements for the Certification and SR/WA programs are listed in the back of every Right of Way Magazine.

A very big **THANK YOU** to the Corporate Donors who helped make our 45th Annual Educational Seminar a huge success.

- Acquisition Sciences, Ltd
- Allen Williford & Seale
- Arizona Public Service
- The Atlantic Group
- Canyon Digital Solutions, LLC
- Dennis Lopez & Associates
- DLR Property/Project Management, LLC
- First Appraisal Services, Inc.
- Gallagher & Kennedy
- Jared N. Huish, PC
- Professional Valuation Services
- Salt River Project
- Tierra Right of Way Services
- Universal Field Services, Inc.

EDUCATION

Course 502 (Business Relocation) will be held on October 24th & 25th. Registration and location information can be found on the Chapter website: <http://www.irwaaz.com/course502.htm>.

Community Service Project Adopt a Family for the Holidays

The Executive Board approved a Chapter 28 Community Service Project for this year. While most of us individually have our own way of giving back to the community, it is also our goal to give to the community as an organization. The Board approved the Chapter "adopting" a family for each of the end of the year holidays – both Thanksgiving and the December holidays.

We anticipate collecting food and financial contributions at both the November and December luncheons to assist the selected family for that month to be able to celebrate the holiday in a manner otherwise not possible for them. If you would like to assist us or coordinate our efforts in the project, please let me know.

Free Computer Class for IRWA Chapter 28 Members

To continue the tradition established last year, in October instead of a chapter luncheon, we will be hosting "Microsoft Word – Beyond Word Processing" for the members of Chapter 28. Last year we answered the questions you wanted to know about computers but didn't know who to ask. This year – it is all those things you want or need to do with Word – but aren't sure where to begin - like importing graphics or spreadsheets into your Word document; creating charts and tables and all sorts of other fun and short-cut steps.

It seems so quick and easy when you watch someone else, but then when you begin – it doesn't seem to work. Well – this half-day class will make it something you can do!! And give you the confidence to make it easy for you too. Besides demonstration and instruction, we will have a workbook/handout for you with all the information in easy to read and understand language.

Mark the date on your calendar - Thursday, October 16 from 1-5pm at the Salt River Project PAB facility on Project Drive.

Our own Cate Chamberlain of Canyon Digital Solutions - and the newsletter and web mistress of Chapter 28 – will do the honor of teaching the class. If you have other Word related issues or topics, let us know and we will try to include them. This is a class for you – help us make it what will help you. Let us know what you want covered.

Look for the flyer at the end of the newsletter. Information is posted on the Chapter website and can be accessed from the index page.

Thought for the Day

"Reach high, for stars lie hidden in your soul. Dream deep, for every dream precedes the goal."

President's Message

Melita Hillman, SR/WA

Thanks to all who were instrumental of making our Kachina Chapter 28's 45th Annual Educational Seminar such a success. Seminar Co-chair Doug McLaughlin and Committee Co-chair emeritus Mark Keller along with all the other committee members worked hard to provide interesting speakers, lots of goodies in the goody bags, good food, great raffle prizes and lots of conversation and networking.

Our thanks again to all the corporate sponsors whose financial donations help keep the Seminar affordable for the members. And a big thanks to SRP and Perry Wiseman for providing the AV equipment used both days of the seminar.

A special thank you to all the speakers who took the time to prepare and deliver the informative (and humorous) presentations to help us deal with change and the continual challenges of "Doing More with Less."

Congratulations to Chris Banks; Maricopa County Public Works; Gregg Tuttle; Dan Kovochich and Pam Hicks for their well deserved awards.

Our next event will be the free computer class taught by our own Cate Chamberlain on October 16 at SRP. Follow the links on the web-site to sign up – only the first 35 can attend this half-day class.

Don't forget that in November and December we will be collecting food and financial contributions to adopt a family for the holidays. More details in the November newsletter.

Doug McLaughlin and I will be attending the Region One Fall Forum in Bass Lake, California on October 24 & 25. Agenda items will include the Region's recommendation regarding realignment of chapters and regions – the recommendation will be to change the by-laws to allow more chapters in the regions and to not move any chapters from Region One. Another agenda item is who is responsible to obtain the approvals from various state Appraisal and CLE organizations for credits for IRWA classes. International wants to be out of the process and have the individual chapters be responsible, while many comments received reflect that the chapters believe International should continue that responsibility. If you have comments on the issue, please forward them to Doug, Mark Keller or me to carry forward to the Forum.

Calling on all Chapter Members to jump on the bandwagon and join a Committee for 2004. There's something for everyone. Contact Doug McLaughlin at 602.506.4648 or email him at dwm@mail.maricopa.gov to volunteer your talents. Now is the time to make that commitment to get involved in making our Chapter the best in Region 1.

The submission deadline for the November newsletter will be Wednesday, October 15th. 😊



SURVEYOR'S CORNER

by Gregg Tuttle

QUESTION: What rights (if any) does a land surveyor have to enter upon my property without my permission?

Every now and again there are allegations submitted to the Arizona Board of Technical Registration's (BTR) Enforcement Unit that have ripened into complaints, resulting in letters of concern to the respondent registered land surveyors. Specifically, these particular allegations are the result of an interpretation of ARS 33-104.

33-104. Right of person making land survey to enter lands; damages for injury to lands

- A. Any person who is registered as a land surveyor under title 32, chapter 1 or who is an employee of the United States government may enter upon lands within this state to perform necessary work relating to land surveys, and may establish permanent monuments and erect the necessary signals and temporary observatories without committing unnecessary injury. The person making a survey under this section shall make every reasonable effort to give oral or written notice of the survey to the owner of the land before entering the land.
- B. If the parties interested cannot agree upon the amount of damages caused thereby, either may petition the superior court to assess the damages.
- C. The person entering lands for a land survey as provided by this section may tender to the injured party damages therefore, and if the damages finally assessed do not exceed the amount tendered, he shall recover costs. Otherwise the injured party shall recover costs.
- D. Notwithstanding this section, the owner or owner's agent may deny entry to normally restricted or hazardous areas.

In response, some respondent surveyors have suggested that the BTR has no authority or business to enforce any statutes not in the BTR code (ARS Title 32, Professional and Occupation, Chapter 1). To those responses, please reference the code at ARS-32-128.C.4, and then the Rules, specifically R4-30-101 (Rules of Professional Conduct) # 5. "A registrant shall comply with state, municipal, and county laws, codes, ordinances, and regulations PERTAINING TO THE REGISTRANT'S PROFESSIONAL PRACTICE." (EMPHASIS added.)

In should be very clear that ARS Title 33 "PROPERTY", Chapter 1 (33-101 through 33-138) "LANDMARKS AND SURVEYS" - are STATE Laws, which PERTAIN TO REGISTERED LAND SURVEYORS' PROFESSIONAL PRACTICE.

Having responded to the question of the BTR's authority regarding items not in Title 32, Chapter 1, let's look at the question at hand. These allegations are from home owners, and/ or the residents on site, who know, or believe, that a survey crew has entered upon private, residential property, unannounced, without "appropriate" notification. In the most recent instances, the allegations are that there were NO notifications of any kind.

These allegations are centered on that part of 33-104.A which states: "The person making a survey under this section shall make EVERY REASONABLE EFFORT to give oral or written notice of the survey to the owner of the land before entering the land." (EMPHASIS added.)

In the most recent cases before the BTR, the surveyors noted that they had made "some" efforts to contact the land owners before entering the land. They alleged attempting to contact via phone calls, knocking on the door, etc.

In two recent cases, neither surveyor could show that they had any documentation that they attempted an oral communication or wrote to the land owner, and one surveyor acknowledged that 'time was of the essence' and when they realized that they needed to enter on the property it was 'too late' to send a certified, (return receipt requested), letter to the owner.

One surveyor also noted the complicating factor of whether the resident on the property was, in fact, "the owner of the land." The intent and spirit of the law was to give the occupying party notice. The Board would ordinarily accept an attempt to communicate with the occupant as satisfying the spirit.

Now, as noted the BTR did issue letters of concern in these particular cases, (See 33-128.B. "The board may issue a letter of concern if the board believes there is insufficient evidence to support disciplinary action against the registrant but sufficient evidence for the board to notify the registrant of its concern. A letter of concern is a public document.)

The board's concern was centered on the language of 33-104.A were it says: "...shall make every reasonable effort ..." Admittedly, the word "reasonable" may be open to interpretation, however, it seems clear to both the volunteer enforcement advisory committee assessors, with the concurrence of the board members, that every reasonable effort should include, as a minimum, some type of written documentation, such as a 'door-hanger' notice, left at the residence, at the time of the survey, when all other attempts at notification have not elicited an acknowledgement.

Many surveying firms, companies, and professional surveyors, already do this as a de facto "standard procedure." This type of notification has probably eliminated allegations arising from those surveys were it is utilized. And, should an allegation still arise, and the surveyor can show that this ('door hanger notice' - or other "reasonable" notice) is a standard procedure, then that allegation probably will not 'ripen' into a more formal complaint that needs the board's attention.

These 'announcements', about the surveyors' entrance onto the property, should include the date and time that entry was initiated, the company's or firm's name, (with the address and business phone number), and the name and registration number of the registrant in charge of the work.

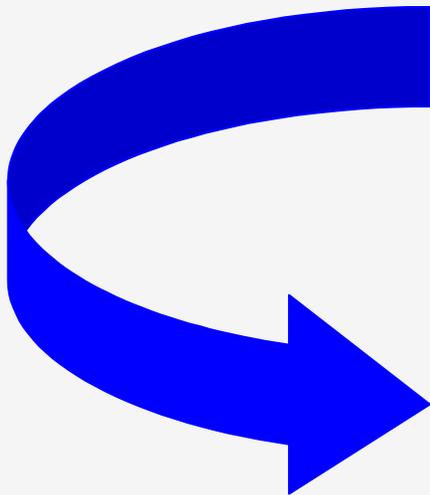
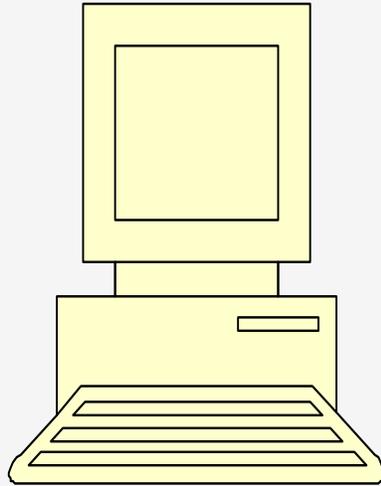
Additional information, that the professional, and/or the professional firm may decide to include on the notice, left at the residence, could include: a copy of the state statute allowing entrance (ARS-33-104); information of how the surveyor attempted to contact the owner; information about the professional insurance coverage; and any other information that the professional would wish to share with the owner/resident of the property so entered.

In today's ever increasing litigious and hostile social climate, the professional surveyor needs to take the necessary steps to comply with the spirit as well as the letter of the law. In these situations, simple 'door-hanger' type notices (which made known a visit from the land surveyors) can significantly reduce, and hopefully eliminate, allegations of non compliance.

As always, I am interested in the opinions of, and the feedback from, the readers of the Kachina Chapter 28 Newsletter.

Microsoft Word

Beyond Word Processing



Thursday, October 16, 2003
1:00pm – 5:00pm
Salt River Project – PAB Building
Free to Chapter Members
Class size limited to 35 people

TOPICS will include:

- Importing and Formatting Graphics
- Working with tables and charts
- Importing and Formatting spreadsheets
- Mail Merge Projects

Sponsored by
IRWA Kachina Chapter 28

