

International Right of Way Association



KACHINA CHAPTER 28

Phoenix, AZ

Chapter Newsletter

www.irwaaz.com

NOVEMBER, 2003

-  Executive Board Meeting
-  Wednesday, November 5, 2003
-  Az State Land
-  3rd Floor Conference Room
-  4:45 pm

Confirm to Melita @ melita.hillman@cityofmesa.org

November Luncheon

When: Tuesday, November 18th, 2003 @ 11:30am

Where: Double Tree Guest Suites (320 North 44th Street) [NW Corner of 44th St & Van Buren]

Menu: The menu will include Garden Green Salad with Tomato Basil Vinaigrette Dressing, Pork Tenderloin Smoked with an Ancho Chili Cream Sauce, Chef's Selection of Rice or Potato, Fresh Vegetable Medley, Rolls and Butter, Doubletree Chocolate Chip Cookies, Coffee, Iced Tea or Decaf

Cost: \$15 for members & guests (please have exact change or your check payable to IRWA Chapter 28)

RSVP: Deadline is 3:00PM, Thursday, November 13, 2003. Please RSVP online at www.irwaaz.com or Call Pam Hicks @ 602-236-5948 or Dan Kovichich @ 602-236-8284

Guest Speaker: Mr. Al Dickie, Supervisor, Property Management, SRP Land Dept.

Luncheon Speakers

Al Dickie is currently the Supervisor of Property Management for SRP and has been with the Project for three years. He was previously employed at Maricopa County Public Works Department for five years as the Supervisor of the Property Management, Appraisal and Relocations Sections. He worked at the Arizona State Land Department for ten years and left as the Assistant Director of the Planning and Disposition Division, and Manager for the Commercial Leasing Section. He was employed for nine years by OHMEDA, (Ohio Medical Products) as a Biomedical Engineer specializing in anesthesia, pulmonary function and cardiovascular diagnostic equipment. He served in the US Army in Southeast Asia as an electronics technician and medic. He has a B.S. degree in Physical Anthropology, MBA, and attended law school at Southwestern University School of Law, in Los Angeles, CA. He is a licensed Real Estate Broker, Arizona Certified General Real Property Appraiser, and is an SR/WA.

Joel Gilmore has a Bachelors degree in Business Administration and has been in the Real Estate Business for over 20 years. He has worked as a Title Officer/Branch Manager (TICOR); Commercial Leasing Agent (ASLD); Material Site Acquisition consultant (ADOT) and currently is a Land Management Agent with SRP. As a Land Management Agent, he works with the USA lands, interpreting their interests and dispositions thereof.

President's Message

Melita Hillman, SR/WA

It's November already and the time to remember all those things for which we are thankful. Despite the challenges of this year, we do have much that has been given to us. And we want to share that with those less fortunate. The Board voted earlier this year to "Adopt a Family" for the holiday season. We will be providing a Thanksgiving Dinner for a selected family as well as a holiday dinner and gifts/toys to a family in December.

At the November luncheon we will be collecting food and/or money to allow us to provide the Thanksgiving Dinner for the selected family. Watch the web site as we get closer to the November luncheon date (November 18) for more details on how you can participate in sharing the blessings we have been given.

As I write this, Doug McLaughlin and I are preparing to attend the Region One Fall Forum in Bass Lake, CA the weekend of October 24 & 25. Items on the agenda to be discussed include the Region's recommendation regarding realignment of regions and chapters and a decision made earlier in the year to have local chapters obtain course approval for appraisal and other continuing education credits. In the past this had been handled by Headquarters and the change has brought much discussion throughout the region and nation. We will keep you posted after the Forum.

A positive note – I received a call from Headquarters – Dennis Stork's assistant – asking if our chapter had any issues to be brought up at the Forum. I passed on my comments about three issues that have been raised so there can be further discussion. Lorraine thanked me for the issues identified and said that Dennis wanted to be prepared and be able to respond there rather than having to come back with answers at a later date. I believe this is the first time we have had such personal inquiries about chapter issues and I am encouraged that there is more communication and responsiveness from Dennis Stork towards the chapters than we have seen in the past.

Serving the chapter this year has been a pleasure – and the support of all the officers, committee chairs and volunteers have made the load lighter and the year go faster than I expected. If you have not been actively involved with the chapter, please consider doing so. Call Doug McLaughlin and volunteer for next year. You will find the rewards you receive are greater than you give.

Happy Thanksgiving.

Professional Development Committee

Toni Soderman, SR/WA, Chair

Congratulations to our newest SR/WA Linda Beals. Linda is a Land Disposition Section Manager at the Arizona State Land Department. We have a new SR/WA Candidate: Doyle Hawkins. Doyle is a right of way agent for Universal Field Services.

Did you know that you do not need to be an SR/WA to earn a certification in the following Right of Way Disciplines?

- Right of Way – Appraisal Certified (R/W-AC)
- Right of Way – Asset Management Certified (R/W-AMC)
- Right of Way – Environmental Certified (R/W-EC)
- Right of Way – Negotiation/Acquisition Certified (R/W-NAC)
- Right of Way – Relocation Assistance Certified (R/W-RAC)

The qualifications for Certification are:

1. Be a member in good standing of the International Right of Way Association.
2. Experience: A minimum of 2 years of qualifying right of way experience within the last 5 years.
3. Successfully complete the general requirements and core courses associated with the discipline(s)

The course work requirements for each certification are listed in the back of the right of way magazine. For more information please contact me at 602-506-4883.

IRWA application forms and information can be found on the Internet at www.irwaonline.org.

THOUGHT FOR THE DAY

"There is no such thing as a self-made man. You will reach your goals only with the help of others."

Our First Outdoor Luncheon

Pam Hicks, Luncheon Chair

Please join us at the Pavilion at the Doubletree Guest Suites for our next luncheon on November 18, 2003, located at the Northwest corner of 44th Street and Van Buren. Your luncheon coordinators thought you might enjoy being served outdoors in the nice cooler weather.

The menu will include Garden Green Salad with Tomato Basil Vinaigrette Dressing, Pork Tenderloin Smoked with an Ancho Chili Cream Sauce, Chef's Selection of Rice or Potato, Fresh Vegetable Medley, Rolls and Butter, Doubletree Chocolate Chip Cookies, Coffee, Iced Tea or Decaf.

Our Speaker for the November luncheon will be Mr. Al Dickie, Supervisor of the Property Management Division of the SRP Land Department. He will be discussing the property rights of the Salt River Project. Mr. Joel Gilmore, of SRP, will be assisting him.

If you thought Dean Martin and Jerry Lewis were amusing, you'll have to come and watch the grimace on their faces when they are peppered with questions and comments on the "USA irrigation facility relocation" projects. Please be kind to both, especially Al, since he's my Boss! ;)

Please note this luncheon is not being held on the second Tuesday of the month as usual because some of our member will be given the day off to celebrate Veteran's Day.

International Utility Committee Report To Region 1

Michael Burns, SR/WA

The International Utility Committee (IUC) met on June 15, 2003 in Kansas City Missouri at the International Conference. The following items were discussed in the meeting.

The IEC would like the committees to participate in the research and writing for publishing on the website and magazine. They would like to see more outreach like the Liaison Committee. The committees need to be more visible in the organization and reaching out to the members. Committees might consider doing a separate symposium.

Along that line there was a discussion to do a utility issue for the R/W magazine. March or April look to be available. Five or six articles would be needed. They would need to be 3 to 5000 words. The sessions from the Conference could be used as a starting point. At least 2 of the speakers could be the source of articles. The Committee voted to pursue putting together articles for an issue of the magazine.

Ron Jordan, the newsletter editor has had problems getting the newsletter together due to many commitments he has, including his new job as Region 5 Chairman. (Note: Ron was found to have a brain tumor a couple of months later and has been unable to perform his duties.) It was discussed that it can be put on the IRWA website to save mailing costs. It was determined that this was a good idea.

Assignments for the next weeks conference sessions were made. The discussion then turned to the 2004 Conference sessions. A list of topics was submitted to headquarters as proposed sessions for the Conference in Philadelphia.

It was mentioned that we may be tight for space in Philadelphia so there is the possibility of combining sessions with other committees if there are space issues.

September 20th was the date announced for the Industry Committee Meeting in Philadelphia. (Due to the Hurricane the full Committee meeting was canceled prior to the meeting.)

The Federal Update Meeting in Washington D.C. is scheduled for Thursday January 22, 2004. The Utility Committee Meeting is scheduled for Friday January 23, 2004.

Region Reports were given. Meeting was adjourned.

**HAPPY
THANKSGIVING**



SURVEYOR'S CORNER

Gregg Tuttle, Survey Chair

"Gregg - we recently contacted a local surveyor, in regards to obtaining information on capped rebars with his name & registration number. He stated that he will not release any information what-so-ever. When asked why, his response was that his clients requested he not release any info."

QUESTION: Do AZ professional surveyors have the benefits of "client privilege"?

First, I must now include the standard caveats: I am NOT an Attorney, nor am I offering any type of legal advice. If you think that you need such advise concerning your own situation, please, by all means, consult with a qualified AZ attorney. The following expressed opinions are my own personal opinions, and as such, do not, necessarily, reflect those of my employer.

*In my PERSONAL Opinion, that the only 'client privilege' scenario for a professional, registered, Arizona surveyor would be: *IF* the surveyor was hired, directly, by an attorney. And, then the surveyor needs to inform the attorney of the Arizona statutory, and regulatory-rule requirements, regarding possible recordation of a results-of-survey drawing and/or report. If the surveyor determines that a completed survey would require recordation and/or the possibility of 'sharing' information if requested from another professional then the attorney has the opportunity to conclude the work-in-progress at that point and conclude the contract with the surveyor.*

NOTE - If the survey was NOT "completed" then there is nothing to record, (or share).

As to surveyors' non-attorney client relationships, the professional surveyor must inform any prospective clients, (up-front), at to the probability of recordation obligations, of any results-of-survey drawings, due to AZ statutory and regulatory requirements. Then, if the prospective client does not want to have a survey recorded, (especially if it is required), the surveyor must not go forward with the survey.

The AZ professional surveyor does NOT have the benefit of client privilege as the HIGHEST priority. The AZ professional surveyor's highest priority is TO PROTECT THE "PUBLIC". This is what the licensing and registration statute and codes are all about. That is why the state licenses professionals. The "public" could be the adjoining of the property being surveyed, and anyone who relies on the recorded survey drawing after the survey.

If the obligation to record the survey is required, then the surveyor can not avoid that responsibility just because the client does not want it recorded.

The professional surveyor needs to disclose and make obvious this potentially conflicting requirement to the client BEFORE officially proceeding with an engagement.

The surveyor, unlike an attorney, a priest, or a doctor, is NOT an ADVOCATE for the client. The professional surveyor is a finder of evidence and a finder of facts.

If the evidence/facts do not help the client's situation, no matter how inconvenient, or how uncomfortable, that can not be the surveyor's primary precedence.

This is the rationale for Surveyors needing to find out "WHY" does the prospective client want a survey. If there is a conflict situation, (probable), then the survey must acknowledge, to the client, the recordation requirements, and, the high probability of data-sharing, if requested, by another registered surveyor.

The Arizona Boundary Survey MINIMUM STANDARDS, part 7, state:

"In the event of a disagreement with the measurements and/or monumented corner positions of another registrant, the land surveyor must make and document all reasonable efforts to contact the other registrant in an attempt to resolve the disagreement. The other registrant(s) shall make all information relevant to the disagreement available, to explain objections, and afford an opportunity for discussions, explanation and corrections necessary." (Underlining added for Emphasis.)

The professional surveyor is responsible to educate the client, BEFORE consummating the scope of work documents, and thereby accepting the surveying engagement or assignment.

A suggestion to professional surveyors is that they should have something, in their WRITTEN, scope of work document, that clearly outlines the possibility/probability of the requirements/necessities of recording the results-of-survey drawings, and/or having to share surveying data with other professional surveyors presenting legitimate requests.

This way, the surveyor has performed her/his professional due diligence in informing the prospective client as to the possibilities/probabilities surrounding the outcome of data, and documents, developed for the completed survey.

That's just one surveyor's personal opinion, BUT, I could be right !

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