



# INTERNATIONAL RIGHT OF WAY ASSOCIATION

**Kachina Chapter 28  
Phoenix, Arizona**

Newsletter

[www.irwaaz.com](http://www.irwaaz.com)

## SEPTEMBER, 2004

### NOVEMBER BOARD MEETING

-  Wednesday, Nov. 3, 2004
-  4:45pm
-  3rd Floor Conference Room
-  Az State Land

Confirm your attendance with  
Doug McLaughlin, SR/WA at  
[dwm@mail.maricopa.gov](mailto:dwm@mail.maricopa.gov)

- Brochures **will not** be mailed out this year. They will only be available at the Seminar.
- Seminar information, including the registration form, is available on the Chapter website.
- For brochure advertising, please visit the Chapter website or talk to Doug McLaughlin, SR/WA or Chris Banks, SR/WA.

FIND REGISTRATION MATERIALS  
AT:  
<http://www.irwaaz.com/04seminar.htm>

Registration deadline is:  
September 8, 2004

### IRWA Kachina Chapter 28 46th Annual Educational Seminar

#### “Emerging Economic Growth: Are you ready?”

**Location:**  
Sheraton Phoenix Airport Hotel  
1600 South 52nd Street  
Tempe AZ 85281

- September 16th:**
- General Session—8:00 to 5:00
- September 17th:**
- Courses 214 & H006—8:00 to 5:00

#### Speakers scheduled for September 16th:

Hugh Hallman, Mayor of Tempe—Keynote Speaker  
Economic Development in Tempe

Wulf Grote  
Update on Light Rail Project

Paul Bentz  
Transportation Initiative

Tim Sullivan  
Information Gathering for Landiscor

Nate Nathan  
Phoenix Metro Area Development Update

Ed Hammontree  
Hoover Dam Bypass Project

Berwyn S. Wilbrink  
Wickenburg Bypass Project

#### Educational Courses scheduled for September 17th:

- Course 214: Skills of Expert Testimony, Albert Allen, SR/WA, Instructor
- Hot Topic H006: Successful R/W Settlements through Mediation, Joe Pestinger, SR/WA, Instructor

## PRESIDENT'S MESSAGE

Doug McLaughlin, SR/WA, Chapter President

The Chapter's 46th Annual Seminar on the 16<sup>th</sup> and 17<sup>th</sup> of September, is a little less than a month away; the Board and Committees member are working on the final details to ensure that this year's seminar will again be a rewarding experience for you. The Seminar is a two-day event that will consist of the following:

Day One: On the 16<sup>th</sup> you will be introduced to 7 different speakers whose topics will cover: economic development in Tempe, updates on the Light Rail Project, the Transportation Initiative, Information Gathering for Landiscor, Phoenix Metro Area Development update, the New Bridge over the Colorado River, and the Wickenburg Bypass Road Project.

What a great opportunity for all of us to learn about different activities going on around the Valley and the State from those individuals who are active in these areas. Come meet your peers. It's a good time to talk face to face with other governmental and private agency members in your Right of Way Field.

Day Two: The 17<sup>th</sup> is class day; you can elect to attend IRWA Course 214, Skills of Expert Testimony, or a Hot Topic H006, Successful R/W Settlements through Mediation. SR/WAs will earn credits towards their recertification. If you are working towards your SR/WA designation, IRWA Course 214 meets part of those requirements.

In addition to recertification credits for your SR/WA or course credits towards achieving your SR/WA designation, check with the class coordinators to see if the course given qualifies for Arizona State Real Estate credits.

Did you know that if you attend both days of the seminars over a five-year period and one IRWA ethics course you would be able to meet the 75 hours of recertification requirements to maintain your SR/WA designation?

Come join us at this Seminar, meet with your peers, find out what is going on in the Valley and State in the Right of Way field, ask questions, earn recertification credits and credits towards a SR/WA designation. As an IR/WA member it is an excellent opportunity to learn more about your Right of Way field.

For more information regarding the Seminar and a registration form, go to <http://www.irwaaz.com/04seminar.htm>.

### THOUGHT FOR THE DAY

**"I expect to pass through this world but once. Any good, therefore, that I can do or any kindness I can show to any fellow creature, let me do it now. Let me not defer or neglect it for I shall not pass this way again."**

## MEMBERSHIP

Heather McCook, Chair

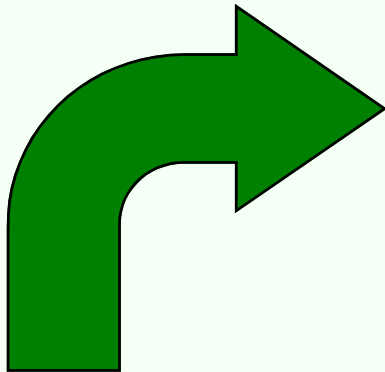
The following applicants were approved for membership at the September 1, 2004 Executive Board Meeting:

- Michael J. Flores—Department of Interior—Appraiser
- John S. Cote—Department of Interior
- Vicki Chamberlin—City of Phoenix, Property Specialist
- Alicia H. Gallardo—City of Phoenix, Property Specialist
- Cristina Hernandez—Acquisition Sciences, Ltd.
- Brendon J. Despres—Department of Interior

The following applicants were read for 30 day consideration at the September 1, 2004 Executive Board Meeting:

- Shenique L. Hart—Acquisition Sciences, Ltd—Relocation Specialist

### KACHINA CHAPTER 28—NEW SR/WA's



### 2004 Kachina Chapter Executive Board

**President:**

Doug McLaughlin, SR/WA  
602.506.4648  
dwm@mail.maricopa.gov

**Treasurer:**

Toni Soderman, SR/WA  
602.506.4883  
tonisoderman@mail.maricopa.gov

**President Elect:**

Chris Banks, SR/WA  
602.236.8175  
cdbanks@srpnet.com

**International Director:**

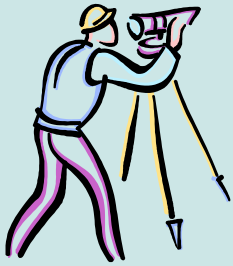
Melita Hillman, SR/WA  
480.644.2671  
melita.hillman@cityofmesa.org

**Secretary:**

Michael Sterling  
602.410.2994  
Michael\_sterling@tempe.gov

**Region 1 Chair:**

Mark Keller, SR/WA  
602.236.8164  
makeller@srpnet.com



## Surveyor's Corner

Gregg Tuttle, Manager  
SRP Land Department  
Surveys Division

Gregg- To what 'code-of-conduct' and/or 'code-of-ethics' are Arizona Professional Registered Land Surveyors held?  
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You can find the Arizona Registrants' Code of Professional Conduct in the Arizona Administrative Code (A.A.C.). These are the RULES for Arizona State Regulatory entities. (You can see the entire AAC at the Az Secretary of State's website (<http://www.azsos.gov/>) and then scroll down and click onto the AAC, near the bottom of the page - [http://www.azsos.gov/Rules\\_and\\_regulations.htm](http://www.azsos.gov/Rules_and_regulations.htm).)

The RULES for Arizona Registered Professionals is under Title 4, (Professions and Occupations); Chapter 30, (Board of Technical Registration); Article 3 (Regulatory Provisions); Section 301 (Rules of Professional Conduct). (A.A.C. R4-30-301.)

### R4-30-301. Rules of Professional Conduct

All registrants shall comply with the following rules of professional conduct:

1. A registrant shall not submit any materially false statements or fail to disclose any material facts requested in connection with an application for registration, certification, or subpoena.
2. A registrant shall not engage in fraud, deceit, misrepresentation or concealment of material facts in advertising, soliciting, or providing professional services to members of the public.
3. A registrant shall not knowingly commit bribery of a public servant as proscribed in A.R.S. § 13-2602, knowingly commit commercial bribery as proscribed in A.R.S. § 13-2605, or violate any federal statute concerning bribery.
4. A registrant shall comply with state, municipal, and county laws, codes, ordinances, and regulations pertaining to the registrant's area of practice.
5. A registrant shall not violate any state or federal criminal statute involving dishonesty, fraud, misrepresentation, embezzlement, theft, forgery, perjury, bribery, or breach of fiduciary duty, if the violation is reasonably related to the registrant's area of practice.
6. A registrant shall apply the technical knowledge and skill that would be applied by other qualified registrants who practice the same profession in the same area and at the same time.
7. A registrant shall not accept an assignment if the duty to a client or the public would conflict with the registrant's personal interest or the interest of another client without full disclosure of all material facts of the conflict to each person who might be related to or affected by the project or engagement in question.
8. A registrant shall not accept compensation for services related to the same project or professional engagement from more than one party without making full disclosure to all parties and obtaining the express written consent of all parties involved.
9. A registrant shall make full disclosure to all parties concerning:
  - a. Any transaction involving payments to any person for the purpose of securing a contract, assignment, or engagement, except for actual and substantial technical assistance in preparing the proposal; or
  - b. Any monetary, financial, or beneficial interest the registrant may hold in a contracting firm or other entity providing goods or services, other than the registrant's professional services, to a project or engagement.
10. A registrant shall not solicit, receive, or accept compensation from material, equipment, or other product or services suppliers for specifying or endorsing their products, goods or services to any client or other person without full written disclosure to all parties.
11. If a registrant's professional judgment is overruled or not adhered to under circumstances where a serious threat to the public health, safety, or welfare may result, the registrant shall immediately notify the responsible party, appropriate building official, or agency, and the Board of the specific nature of the public threat.

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## Surveyor's Corner...continued

12. If called upon or employed as an arbitrator to interpret contracts, to judge contract performance, or to perform any other arbitration duties, the registrant shall render decisions impartially and without bias to any party.
13. To the extent applicable to the professional engagement, a registrant shall conduct a land survey engagement in accordance with the April 12, 2001 Arizona Professional Lands Surveyors Association (APLS) Arizona Boundary Survey Minimum Standards, as adopted by the Board on June 15, 2001, the provisions of which are incorporated in this subsection by reference and on file with the Office of the Secretary of State. This incorporation by reference does not include any later amendments or editions.
14. A registrant shall comply with any subpoena issued by the Board or its designated administrative law judge.
15. A registrant shall update the registrant's address and telephone number of record with the Board within 30 days of the date of any change.
16. A registrant shall not sign, stamp, or seal any professional documents not prepared by the registrant or a bona fide employee.
17. Except as provided in subsections (18) and (19), a registrant shall not accept any professional engagement or assignment outside the registrant's professional registration category unless:
  - a. The registrant is qualified by education, technical knowledge, or experience to perform the work; and
  - b. The work is exempt under A.R.S. § 32-143.
18. A registered professional engineer may accept professional engagements or assignments in branches of engineering other than that branch in which the registrant has demonstrated proficiency by registration but only if the registrant has the education, technical knowledge, or experience to perform such engagements or assignments.
19. Except as otherwise provided by law, a registrant may act as the prime professional for a given project and select collaborating professionals; however, the registrant shall perform only those professional services for which the registrant is qualified by registration to perform and shall seal and sign only the work prepared by the registrant or by the registrant's bona fide employee.
20. A registrant who is designated as a responsible registrant shall be responsible for the firm or corporation. The Board may impose disciplinary action on the responsible registrant for any violation of Board statutes or rules that is committed by a non-registrant employee, firm, or corporation.

### Historical Notes:

Adopted effective August 3, 1983 (Supp. 83-4). Amended effective December 18, 1991 (Supp. 91-4). Amended effective May 1, 1995 (Supp. 95-2). Amended by final rulemaking at 6 A.A.R. 1018, effective February 25, 2000 (Supp. 00-1). Amended by final rulemaking at 8 A.A.R. 903, effective February 14, 2002 (Supp. 02-1). Amended by final rulemaking at 9 A.A.R. 791, effective February 12, 2003 (Supp. 03-1).

Well, as you can see, the list is long. Some Rules apply to specific professional disciplines, such as 13, which only applies directly to AZ/RLSs. Other may only apply to Engineers. But it is a set of state Rules of Professional Conduct to which the registered surveyor is accountable.

And, if the surveyor belongs to professional state, and/or national surveying associations and societies, there are even more codes of conduct and/or ethics. For one such example, see

"The Surveyor's Creed and Canons of the National Society of Professional Surveyors (NSPS), at: <http://www.acsm.net/nsps/index.html> (then on to: <http://www.acsm.net/nsps/creed.html>).

Note that the Arizona Professional Land Surveyors' Association (APLS) has modeled their state Canons on the NSPS model. So, when selecting a PROFESSIONAL Registered Surveyor, you may wish to inquire if that person is a member of the state and national professional organizations.

(Similar to considering whether to hire a land agent who is (or is not) a member of IRWA.)

If you have feedback or comments, please feel free to share them. As always, I am interested in the opinions from, the readers of the Kachina Chapter 28 Newsletter. *Until next time – Thank you.*  
Gregg Tuttle, Manager, SRP LAND-Surveys Division