

# THE FOX IS GUARDING THE HEN HOUSE

And The Inmates are Running the Asylum

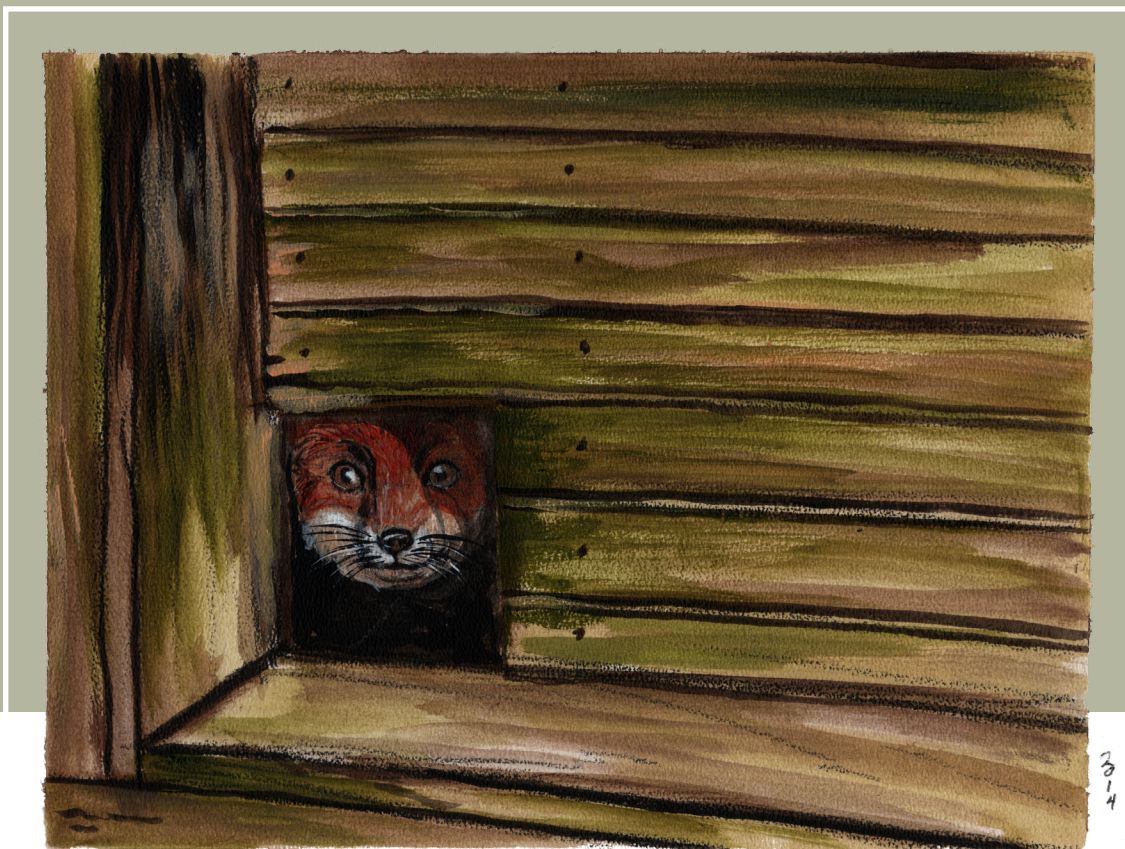


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# A

time-sensitive issue compels us to postpone the article on increasing your client base. The Idaho Society of Professional Land Surveyors (ISPLS), as well as societies of other states, in conjunction with their state boards, are in the process of drastically altering the profession of land boundary surveying. ISPLS reports that this is a nationwide movement and Idaho needs to alter its legislation to be in conformance.

In the September meeting of our local chapter the proposed new legislation was presented by a tag team from ISPLS, the state

board, and Worrell Communications. The resulting seduction presented the advantages and hid the flaws, always accompanied by “*Everyone else is doing it*”. Well, everyone else might be doing it (which we very greatly doubt) but the action will cause a swelling that will be very hard to get rid of. The enlargement of the land boundary portion of the rules to include all measurements performed upon, above or below the earth, is another example of engineering cells invading surveyor cells. And we need to do this so we are like other states! Come on.

» CHAD & LINDA ERICKSON



## Land Survey Licenses

PUT IT BACK!!

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Here is the enlargement/dilution effect extracted from the proposed Idaho rules: 54-1202 (11) "Professional land surveying".. mean(s) responsible charge of land surveying ~~to determine the correct boundary description, to establish or reestablish land boundaries...~~ services using such sciences as mathematics, geodesy, photogrammetry and involving both (1) the making of geometric measurements and gathering related information pertaining to the physical or legal features of the earth, improvement on the earth, the space above, on or below the earth and (2) ...developing the same into... maps...; or to provide acts of consultation..."

The evisceration: Because any and all earth measuring activities will be included in the definition of Professional land surveying, four years of these activities will qualify the applicant to sit for the state survey exam. Voilà, an Idaho Professional Land Surveyor's license can then be obtained with zero, zip, nada-nada-lemonada land boundary experience. After the many exclusions, when all is said and done, the sole effect of the proposed legislation will be to nullify the requirement for boundary experience. Will this soon be in legislation near you? Your profession needs your involvement.

## THE SOLE EFFECT OF THE NEW LEGISLATION WILL BE TO NULLIFY THE REQUIREMENT FOR BOUNDARY EXPERIENCE.

To the charge that ignorant surveyors would be performing land boundary surveys, the Idaho Executive Director, Keith Simila, explained to us that the requirement that licensees only practice where they have expertise should prevent the ignorant from performing land boundary surveys.

The very next day brought an answer to Mr. Simila's claim. A neighbor of one of our clients was complaining about crews that surveyed next door in 1985, 1992 and 2005.

**Neighbor:** "A young whipper-snapper marched up to us and said that he had just finished College and he knew what he was doing and he could survey our property anytime he wanted. So Daddy sat over there in a chair and quietly laid his shotgun across his knees and said 'I know what I'm doing too.'"

**Chad:** "Was that the BLM?"

**Neighbor:** "That's the one. That survey had people's property lines going through their living rooms. Oh! Oh? Where are **you** going to put the corners?"

**Chad:** "We're going to put them back".

**Neighbor:** "Bless you for that! (hands clasped under her chin) Thank you Lord! This day has been a long time coming."

In the forgoing case BLM had ignored the very regular fences of a 1913 subdivision. Like the old grocer to the young candy snatcher, we say, "Put it back!"

To Keith Simila we say, "The ignorant don't know they don't know".

And so it will come to pass, following the new legislation, that the licensed Land Surveyor will routinely fail to be qualified as an expert in Land Boundary Surveying for lack of experience.

## OPPOSING COUNSEL

On cross-examination of expert witness:

"So, you went to college for four years and have a degree in Land Surveying. Since this



# TIME TRAVELERS

A competent land boundary surveyor spends so much time in the past; museums, old journals, dusty tomes at the court house, speaking to the “old ones”, fondling rusty wire, and digging in the dirt for relics of original evidence; that he/she becomes a time traveler. This condition showed this week when we asked a room full of the new guard at a Recorder's Office if we could see their Grantor/Grantee Index books. First they looked up with blank stares from their computer screens, then they looked at each other. It was like stepping out of H.G. Wells' time machine. Right then the past seemed more real than the present.

*case involves boundary issues and you will be asked for your opinion, can you explain to me what the term “lot exception” means? “Fundamental law of original corners”? Senior/Junior rights?*

*How many credits did you have in the study of land case law? None!*

*Did any of your professors have a PHD in Land Surveying? No! What did they have their doctorates in? Math! What role does math play in Land Boundary Surveying? Did you*

*Good. How many of those years were with land boundary surveying? None? Why not? You were not required to have any land boundary experience to get a Professional Land Surveyor's license?*

*What did you survey? Do you think property lines have anything to do with blue topping highways or scanning cathedrals? I don't either. Your honor, I move that the proposed expert be disqualified and not be permitted to testify as an expert witness. Granted.”\**

“The danger is that the ignorant don't know they don't know.”

*read in the June 2014 issue of the American Surveyor where C. Barton Crattie said “Math to a Land Surveyor is like cocaine to a dopehead”? Isn't math, like the ceiling lights in a surgery, merely illumination for the surgeon? And like the surgeon, doesn't the surveyor have to use other tools such as old records, local testimony and road centerlines and fence corners in addition to math? Maybe even in preference to mathematical solutions?*

*Do you read any of the professional survey magazines? Ever read the writings of Jeff Lucas? What makes you think you can testify as an expert in this court if you don't understand the Fundamental Law of Original Corners?*

*In getting your four year degree, how many hours did you operate survey instruments? Why so few? Would your professor allow you to take the instruments out of the building on your own? Why not? Not sure!? He was Pakistani and couldn't speak English?*

*Any other qualifications? You say you have a license as a “Professional Land Surveyor”. What qualified you for that license, other than the degree in which you never operated survey instruments? Four years of experience?*

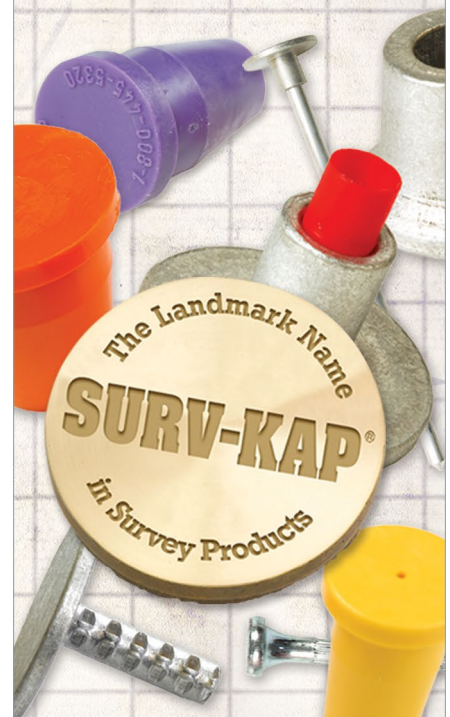
Chad says that he hasn't seen anything as slick as the presentation at our September chapter meeting since he was a Mormon Missionary back in the dark ages. Well, dip 'em and fry 'em; who is orchestrating this high-powered, nationwide effort anyway? Any and all objections just rolled off their backs. “We don't have time for a comment period”, they rebutted, while selecting the non-objectors to contact specific legislators using the provided lesson plan. Einstein said, speaking of the conflict between physicists and mathematicians, “Each period is dominated by a mood such that few can perceive the tyrant that rules over them”. Well, in orchestrating the new rules for Land Surveyors nationwide, our candy snatcher has shown himself.

We see you. Now, put it back! ■

**\*Note:** This cross exam prep was vetted by our attorney.

**Chad Erickson** is licensed in the States of Idaho and Arizona but it is difficult to tell who knows the most, Chad or Linda. Or who is in charge. Its a Lewis and Clark thing. [ericksonlandsurveys@gmail.com](mailto:ericksonlandsurveys@gmail.com)

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