

Form #6

SECRETARY OF STATE

Leah Newman, Secy

TRANSCRIPT OF HEARING

Stenomask report of the public hearing conducted by the West Virginia Board of Land Surveyors, conducted at the American Legion Hall, 205 West Maple Avenue, Fayetteville, West Virginia, on Wednesday, February 25, 1987, at 9:00 a.m.

Judy D. Cottle,
Certified Court Reporter

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MR. MCCOY: If everyone has a copy of the rules and regs, then we're going to eliminate the secretary reading them if we don't have any -- do we need a copy of the rules and regs? Unless there's somebody here that wants them read. If there is, we will certainly take the time to read them.

This is a public hearing conducted by the West Virginia Board of Examiners of Land Surveyors for the purpose of adopting and promulgating rules and regulations.

This hearing is being conducted under authority of the West Virginia Administration Procedure Act, Chapter 29A, Article 3, Section 1 of the West Virginia Code of the 1931, as amended.

Public notice of the hearing was provided by a publication on legal notice in the Charleston Gazette newspaper on January 20, 1987, Capitol News Service on January 19, 1987, a posting on the front door of the Kanawa County Courthouse on January 21, 1987 by mailing a copy of the notice to the West Virginia Association of Land Surveyors, a copy to Governor Arch A. Moore, Jr., a copy to Kenneth Faber, Commissioner of Department of Energy, a copy to Senator Larry Tucker, a copy to Christopher Westbrook of Glenville State College, and a copy was filed with Ken Hechler, Secretary of State, on January 19, 1987.

We are going to open the hearing up, and how we'll conduct the speakers is, whoever signed the yellow pad--we'll just go right down the pad. Give your name, and when you get up, please

or get ready to speak, please, stand and state your name. And the recorder would like for you to speak into a microphone so she can hear you.

Anybody wanting a copy of the transcript-- the recorder stated that if you do, if you'll put an "X" by your name, leave your name and address; she will contact you and tell you what the price will be for the transcript.

At no time will any speaker be interrupted by anyone else here. We are here to -- in direction of the rules and regulations. We're not here to discuss any business of any complaints or anything else. It's strictly to the rules and regulations. Any other comments will be struck from the record..

And for the record, the Board will not answer any questions that you-all have at this time.

Before we start taking testimony, is there any questions that you want to ask about the procedures?

Okay. If not, -- if there is any written comments that any of you have -- if you have -- you want to testify in person and, also, a written letter, if you'd bring them forth, we will put them on the pile here, and before the close of the meeting, we will read out all people that has sent a letter in.

Is there anybody that wishes to submit any letters, or statements, or so forth in writing?

Okay, Lee.

MR. SPENCER: Janet is still signing in here now, so -- she's drummed up five more people.

MR. MCCOY: Oh, okay.

MR. SPENCER: Will you people that just come in, please come forward and sign your name and address, please. All of you that hasn't signed this, and that way, we can keep the record straight.

John Lounsbury.

MR. JOHN LOUNSBURY testified before the hearing as follows:

MR. LOUNSBURY: Any particular microphone?

MR. MCCOY: No. Any one. Whatever you desire.

MR. LOUNSBURY: My name is John Lounsbury. I'm a surveyor and consulting forester from Elkins, West Virginia. I'm here to comment on the proposed rules and regulations.

To begin with, I'd like to make a few comments on the notification process that's gone on here to get us all to this meeting. I'm sure that the Board has complied with all the state statutes and rules and regulations as far as notification requirements, which probably include a few newspapers and the Secretary of State and a few other things. However, I think the Board would have to agree with me that they know very well that notification in the Kanawa Valley newspapers will not reach the vast majority of their surveyors. And the people that are most directly affected by these changes in rules and regulations --

or these, I should say, new rules and regulations, are the surveyors themselves, the vast majority of which probably have no knowledge of these regulations.

In my opinion, the Board has a moral obligation to make an effort to contact the people affected by these regulations. From what I have heard -- from what I understand, this has not been done.

MR. MCCOY: John, I think --

MR. LOUNSBURY: I understood that we wouldn't be interrupted, but go ahead.

MR. MCCOY: No. Yes, you're not going to be interrupted. We're talking about the rules and regulations this morning, and I'm not going to let this meeting get out of hand about moral obligations from the Board, or from your neighbor, or so on, so --

MR. LOUNSBURY: Well, you can strike my remarks if you like.

MR. MCCOY: Please, stick to the rules and regulations --

MR. LOUNSBURY: As far as the rules and regulations are concerned, the only major objection I have is the requirements for a minimum error of closure. In particular, one in five thousand on rural surveys.

Now the area of the state I come from is, probably, 90 percent timber land, and the latest figures I've heard in Charleston tell me that 80 percent of the State of West Virginia

is in woodland or timberland. In fact, the reappraisal people have gone so far as to call it wasteland.

This land commonly sells for anywhere from \$100 to \$300 an acre in Randolph County. Two hundred is a nice average. One in five thousand on these properties, in my opinion, is excessive.

The type of equipment that the people in our area use, which range from compasses to 20-second transits, two-and three-hundred-foot steel tapes, you will not consistently get 1 in 5,000 closure. Therefore, you will go to a distance meter theodolite-type equipment.

This equipment is not only expensive, it's fragile, and sometimes very difficult to operate in the woods. It requires cutting considerable more brush, also. This, in turn, raises the cost of surveys.

Now the Board stated in their statement to the Secretary of State that none of these regulations would significantly impact the cost to the state or the public. I disagree with that, totally disagree with that. We have land out there that's selling for \$200 an acre, and we're going to have surveys that are going to cost, probably, four times what they're costing us now to get 1 in 5,000 closure each and every time.

Most of these surveys were run with compasses originally, and the processes we commonly use today in this county, which are mainly compass surveys, seem to retrace these steps very well,

many times giving an advantage that you don't have using theodolites and distance meters.

So it is my recommendation that the Board modify their section on closure, and make it, at least, a tiered requirement that would acknowledge the difference in land classifications through the rural category. We have farmland; we have timber land; we have wasteland.

Henry Sipe will submit comments today and recommend a -- classifications that I thoroughly agree with. Thank you.

MR. SPENCER: Christopher Westbrook.

MR. CHRISTOPHER WESTBROOK testified before the hearing as follows:

MR. WESTBROOK: My name is Christopher Westbrook. I am an instructor of Land Surveying at Glenville State College, and therefore, I'd like to talk a little bit about Section 7, Accredited Surveying Curricula.

I think 7.01 should be reviewed, and we should look at the word "accredit." We should define what we mean by the word "accredit," and also determine whether or not the Board has the legal rights to accredit survey curricula.

If they do, I think we should define what accredit means, and we should determine what the procedures are -- or what the procedures will be, dealing with accreditation. How will the Board go about accrediting a particular institution?

I think, also, in Section 702A -- or in 1A, B, C, D -- one of those, we should add computer applications in land surveying to be included in material -- or the curricula. I think, also, included in there should be GPS. Global Positioning System, should be included.

Section 10.09, I believe that we should eliminate Section A, which says that we will calculate closed traverse -- the area of closed traverse shall be calculated by two methods. The first would be either triangles or planimeters. I believe that should be eliminated since, I believe, most land surveyors now use DMDs or coordinates. Thank you for your consideration.

MR. SPENCER: Michael Euler.

MR. EULER: I have no statement.

MR. SPENCER: John Wilkins.

MR. WILKINS: No statement.

MR. SPENCER: F. Henry Sipe.

MR. F. HENRY SIPE testified before the hearing as follows:

MR. SIPE: My name is F. Henry Sipe; address, 1404 Harrison Avenue, Elkins, West Virginia; telephone number 636-2465. I'm a licensed land surveyor in West Virginia.

The regulations discussed here today are an improvement over those proposed at a public hearing on February 17, 1984. However, some of the more important proposals are not appropriate,

namely, Section 10.11 which mandates a closure of rural surveys of 1 in 5,000, and Section 10.12 which makes a closure for oil and gas well surveys of 1 in 5,000.

My additional written comments here, submitted, suggest a breakdown of rural survey guidelines for closures as follows:

Rural and suburban residential, 1 in 5,000.

Farmland, 1 in 2,500.

Woodland, 1 in 1,500.

Oil and gas well locations, use the State Oil and Gas Division regulations.

I hereby request a copy of the transcript of this public hearing and any extensions thereof. Thank you.

MR. MCCOY: Thank you, Henry.

MR. SPENCER: Tom Henderson.

MR. TOM HENDERSON testified before the hearing as follows:

MR. HENDERSON: My name is Tom Henderson. I'm a licensed land surveyor; I'm employed by the City of Parkersburg, West Virginia, and I am president of the West Virginia Association of Land Surveyors.

The state statute which created the land surveyor license places a duty on the Board of Examiners to promulgate reasonable rules and regulations defining and governing the practice of land surveying. There can be no doubt that the Board must be

guided by the public interest in this endeavor.

The public's desire is, and will continue to be, to receive a professional service performed in a professional manner. The scope of those services may vary with need, land value, and land use. It is essential that the regulations adopted take that variety of scope into account.

Their minimum standards preclude legal surveys being performed by unqualified persons. They are desirable and necessary. But where the standard precludes the acceptability of surveys performed by a licensed land surveyor in a manner consistent with the standard of care exercised by other surveyors in a similar situation, undue injury may result, and a livelihood may be lost.

There is a demand for many diverse types of surveys to meet the needs of the public and of industry. To provide for these needs in the most economical manner, some accommodation may be in order.

A two-tier system based on land size or land use may be appropriate. The smaller urban, suburban, or rural tracts could be held to a higher standard than the larger rural ones, where often the purpose of the survey is merely to retrace and mark existing lines, a task which some argue, can best be accomplished with equipment similar to that used in the original survey.

The higher standard could still be applied to any survey

which involved the creation and conveyance of a new parcel, thereby phasing out the old techniques through the passage of time.

Special conditions, such as high land value or proposed intensive use may require much more precise work, but nothing in a minimum standard prevents one from obtaining higher accuracy. It is a function of the market place to pay for greater certainty of location.

Although the Board of Examiners asserts in the fiscal note attached to the proposed rules that there would be no increase in cost as a result of the adoption of these regulations, I think it's fair to say that some surveyors may presently be using equipment which is not capable of obtaining the proposed minimum accuracy standard in every situation.

Therefore, the Board must clearly show the damage caused by this equipment based on specific complaints or court cases, or revise its estimate of the economic impact of the regulations on the profession and on the public. To do otherwise would not serve the public interest.

I believe that the Board should explain why a new section, namely, Section 6, dealing with the granting of licenses, the renewal of licenses, and the amount of renewal fees, has been added to the regulations. This provision is a verbatim restatement of the language in Section 30-13A, Section 6 of the state code.

It would appear that the original intention of that statute was to make these matters subject to the action of the legislature and not the Board. If the Board of Examiners desires to make renewal fees subject to administrative rule, then it should seek the required changes in the statutes prior to incorporating such language in its rules.

Very much the same argument must be advanced with regard to Section 9, dealing with disciplinary procedures. Its provisions dealing with license suspension and revocation, procedure for hearings, and judicial review are substantially a restatement of what is already spelled out in the state code in Chapter 30-13A, Sections 8, 9, and 10.

It has been said that there should be no more regulations advanced than are necessary, and with that, I hardily concur. But there is an even greater danger to this course of action. Any pertinent changes to the statutes, enacted in the future, could automatically make the regulations advanced in Sections 6 and 9 completely null and void since they would not be in conformity with the state statute.

I urge the Board of Examiners to delete these unnecessary sections from the proposed regulations in the interest of effective future administration of the statutes and the regulations.

The Board of Examiners has stated that one of the objectives of these rules is to ensure boundary corners, or lines

of properties are identified by the surveyor. To that end, I urge the Board, in Section 10.06, to further require that all corner markers set be detectable by magnetic detection devices, and be identified with the license number of the surveyor who performed the survey. These two requirements will serve as an invaluable aid in the future for the location and identification of corners and lines.

Finally, whatever minimum standards are adopted, they should be implemented in a fair and even manner.

I call upon the Board of Examiners to adopt procedural rules that would spell out among other things how complaints would be handled, how investigations would be carried out, how hearings would be conducted, and how long each step in the process could reasonably be expected to take.

The adoption of procedural rules would greatly enhance continuity in the administration of the regulations and the licensing procedure by the Board. Procedural rules would provide Board members and licensees alike with a set of ground rules for successful dialogue and an enjoyable practice of one's chosen profession. Thank you.

MR. MCCOY: Thank you, Tom.

MR. SPENCER: George Tice.

MR. TICE: No statement.

MR. SPENCER: James Skinner.

MR. SKINNER: No comment.

MR. SPENCER: Greg Smith.

MR. GREG SMITH testified before the hearing as follows:

MR. SMITH: My name is Gregory A. Smith. I'm a licensed surveyor practicing out of Glenville, West Virginia.

I'd like to comment on Section 10.12 on the minimum accuracy for oil and gas well location surveys. I feel the accuracy of 1 in 5,000 to be totally out of line in view of the working manner that oil and gas -- the oil and gas industry operates.

At this time, under the oil and gas regulations, an operator may move a well as it is staked by the surveyor 10 feet. And this is not reflected by survey at any time after that well has been staked and permitted through the Department of Energy. In implementing this type of accuracy for oil and gas well sites, I feel it would damage the surveyors in their performance; that it operates with the Department of Energy and independent operators.

This is going to, I feel, -- would open up the door to -- for more engineers to come in and practice, because they would not have to conform with this. The state regulations are 1 in 200. They could still operate underneath that.

I would suggest working with the Department of Energy directly. If they would change their standards, our Board should,

maybe, review a new type of accuracy ratio for oil and gas well surveys.

I don't believe I have any other comments at this time.

MR. MCCOY: Thank you, Greg.

MR. SPENCER: Donald Teter.

MR. DONALD TETER testified before the hearing as follows:

MR. TETER: My name is Donald L. Teter. My address is Valley Fork Road, Monterville, West Virginia. I'm a licensed land surveyor, headquartered in Southern Randolph County.

Approximately half of my business consists of surveying, with most of the rest of my time being spent as a consulting forestry aide. I have been a licensed surveyor since 1982, and I take pride in doing a competent job at a reasonable cost.

I do my surveying with a compass, a transit, or a rented total station, depending on the particular circumstances of the job. I was one of many who protested two years ago against proposed changes in the West Virginia surveying regulations.

The proposed regulations before us now differ in many important aspects from those put forth at that time, and I wish to commend the Board of Examiners for their effort to make the new proposals more reasonable and more realistic. However, the new proposed regulations still contain one glaring problem, which is the requirement for an unnecessary and unrealistic error of closure on rural surveys.

While some increase may be warranted in the levels of accuracy in the measurements made in surveying rural building lots or high-valued farmland, such an increase is not needed in the surveying of timber lands.

Although the error of closure requirement is apparently aimed at eliminating compass surveying, there are many areas in the mountain regions of West Virginia where the proposed standard would preclude the use of anything but the most expensive equipment. In my experience, it can be difficult to consistently achieve an error of closure of 1 in 5,000 in extremely rough and steep ground, even with a transit and tape.

The adoption of such a mandatory standard would force surveyors such as myself to face the choice of going into debt for electronic distance measuring equipment or going out of business altogether.

Ironically, we would be forcing the use of the most fragile and expensive equipment on the most rugged and least valuable ground.

Although there is considerable prejudice among engineering-oriented surveyors against the compass, adequate rural surveys may be made by competent persons using a compass. Many of those who object to the compass apparently follow the reasoning that merely because more accurate equipment is available we should use it, regardless of cost.

I have even heard objections to the compass, such as, "It's the same equipment George Washington used." The United States Constitution is, also, the same one we had in Washington's time, but I detect little outcry that it is obsolete and should be scrapped.

The age of a method or tool is not important. What matters is whether or not it works.

Claims that the new regulations would not increase costs for the public could be made only by someone who is sadly misinformed, or is making a deliberate effort to mislead the legislature and the public. I can personally guarantee that if I am forced to invest in more expensive equipment, the cost of some of the surveys I make will increase.

It is a simple fact that if I must buy equipment, I must make enough money on the work I do with it to be able to pay for it.

In many areas of West Virginia, the economy is in a state of decline, and many land owners can already ill afford to have surveys made. If the costs are increased, it will mean that in some instances where our surveys should be made, land owners will not have them done.

Some of the worst problems I have encountered in determining boundaries have been in cases where past land owners have attempted to divide rural property without even having a

survey made.

There is still nothing in the law to prevent a land owner from dividing property without the services of a surveyor. If we further increase the cost of surveying, we will only encourage more land owners to do so, thus, creating a whole new set of problems to plague both surveyors and the public in the future.

Most of the problems I encounter with recently made surveys are caused by a few simple factors: Failure of the surveyor to find and properly evaluate the available documentary and physical evidence, failure of the surveyor to understand boundary law as it applies to the problem at hand, and failure of the surveyor to adequately monument his work.

Requiring increased accuracy of measurements will do nothing to solve these problems. It does not matter if the survey is made with an error of closure of one in a million if the corners are put in the wrong county.

In nearly all of the cases I have encountered where inadequate or erroneous surveys have been made, at least some of the old regulations were violated. In the cases where violations did not occur, the proposed new regulations would not have prevented the problem.

It is my opinion that we would be more likely to solve the problems of surveying with adequate and consistent enforcement

of the regulations previously in effect, rather than enacting more stringent new ones. Thank you.

MR. MCCOY: Thank you, Don.

MR. SPENCER: Thomas Cronin.

MR. THOMAS J. CRONIN testified before the hearing as follows:

MR. CRONIN: My name is Tom Cronin from Buckhannon, West Virginia. I'm a licensed surveyor in private practice.

I support the remarks made by Mr. Sipe --

MR. MCCOY: Tom, excuse me. Your mike came unplugged. Start over there.

MR. CRONIN: All right. Are we on? Is it off? Are we on there? Very good.

My name is Tom Cronin. I'm a licensed surveyor from Buckhannon in private practice. I support the remarks made by Mr. Sipe and Mr. Henderson, and also Mr. Teter.

We use the full range of equipment available to those making plane surveys, including computing equipment and electronics. We also use an open-sight compass. In our experience, the use of that equipment is similar to what Mr. Teter reports.

Additional comments will be submitted in writing.

MR. MCCOY: Thank you, Tom.

MR. SPENCER: John Cox.

MR. COX: No comment.

MR. SPENCER: Michael Wetzel.

MR. WETZEL: No statement.

MR. SPENCER: Is there anyone else whose name isn't on this -- what is your name, sir?

MR. GRAFTON: My name is Bill Grafton.

MR. SPENCER: Mr. Grafton, I don't believe your name is on this list. Do you have a comment?

MR. GRAFTON: No.

MR. SPENCER: That's everyone at this time that has their name listed, and all comments have been heard.

MR. MCCOY: All right. At this time, we'll take a short recess for -- oh, we'll take a recess until 10:30. We'll see if anybody else is coming, then we'll resume at that time for more testimony.

(Whereupon, the hearing was recessed at 9:35 a.m. until 10:30 a.m., after which the hearing was resumed as follows:)

MR. MCCOY: Well, let's resume this meeting, and then we'll adjourn again if we don't have any more testimony.

Leon, have we got any more -- anybody else to speak?

MR. SPENCER: Norman Kronjaeger.

MR. KRONJAEGER: Do you want me to use this mike?

MR. MCCOY: Yes, please, Norman.

MR. NORMAN L. KRONJAEGER testified before the hearing as follows:

MR. KRONJAEGER: I'm Norman Kronjaeger; I'm from Fairmont, West Virginia.

I have been surveying for 25 years. I teach part-time at Glenville State College, and I have -- do have a license from this Board.

I am somewhat surprised that the Board does not have any -- at this time, any minimum requirements, or the State of West Virginia has no minimum requirements on what's required on a plat, although it's probably only fair that we don't have any minimum requirements because we have professional engineers who are surveying and they have no minimum requirements.

Therefore, I feel that maybe this Board doesn't need any minimum requirements, because if the engineers don't have to put anything on a plat, I feel that it's very possible that we don't have to put anything on a plat.

We have a small problem in Fairmont, in the Marion County. We have headquarters for Monongahalia Power Company building there. There are a number of registered professional engineers in that power company building who do surveying on the side, which I refer to as moonlighting, because they have a full-time job for the power company, and they run out and grab up what I call the gravy jobs.

Now, there are four companies in Marion County that do surveying. There are two licensed land surveyors that are

practicing in Marion County. There are two engineering firms that are -- or three engineering firms. The firm that I belong to is an engineering firm, and I have a professional engineer as a partner.

Now when we would do a survey, until recently, my partner signed. When I got my license, I then found that I had to do certain things and add certain additional things to the plat until the recent rules ran out. My partner would say, "How come you can't do a plat in 45 minutes like I can?" I said, "Well, because I got to put 15 more things on a plat than you have to if I'm putting my signature on it." He says, "Well, we got to figure out how to hold these costs down. Let me sign the plats." "Fine with me."

So many of our plats from my company have been signed by my partner because we didn't want to put three north arrows on a blue star in the upper left-hand corner or some other miscellaneous requirement that the Board required.

So, consequently, I think the very important thing that this Board has to do, probably, as far as I'm concerned, the prime thing they have to do is get a uniform set of regulations that not only engineers have to follow, but that surveyors have to follow, also.

We have a gentleman that comes to Marion County, who does not live in Marion County, and does what he calls a

boundary-line inspection, and he writes right on his plat, "This is a boundary-line inspection." He worked in my neighborhood. I know the gentleman because he has provided me with some information from the coal company that he works for.

He started from a fence that was up the alley from my house that was only five feet off, and from that, determined the location of a house that was for a loan closing. I'm sure he had to fill out a surveyor's report. I knew the attorney that handled the loan closing for the bank, and I told the attorney, I said, "I believe you've got a small problem with that survey because of such and such." The attorney's attitude towards it was, he didn't care. The professional engineer had signed the surveyor's report; it was the professional engineer's responsibility.

So there was the fact of no interest by the attorney, or even the -- I suspect the bank wouldn't have cared, either, because they had the necessary documents to secure their loan.

Unfortunately, it puts the surveyor at a real disadvantage because we're not -- we're in direct competition with people who do not have to do the same things that we do.

I feel that the primary goal of this Board, presently, would be to find some method of making the engineers, surveyors conform to the same rules and regulations.

Secondly, I understand-- and I missed it because I was

late, didn't know how long it would take to get here -- There's been a lot of discussion, I understand, about compass surveying. I don't doubt in my mind a bit that there are people who can compass survey in the right place under the right conditions.

I've done a lot of reading about compass surveying. In fact, I was given a compass by an attorney in Fairmont, and thought, "Boy, that would be nice. Maybe there's some place I can use this." I sent for some government publications, and I have a govern -- read reference in the publication that in 1890 the government, from the Bureau of Land Surveyors stated that compass surveying was not a good thing to do because of local attractions and miscellaneous attractions that were in areas that could not be determined.

I would think that if somebody could -- really thought they were a compass surveyor and could really do it, they would have to be able to demonstrate under a given condition that they were able -- be able to do compass surveying.

I think a minimum of 1 in 5,000 for any kind of surveying should be a bare minimum. I'm -- have always worked in an area where Consolidation Coal Company was the basis for all the work. Consol's minimum survey that -- has always been 1 in 5,000. Of course, they have a large triangulation net; they have a problem sighting from one triangle to another, and even when they have ties to those effected that are less than 1 in 5,000, they

run independent surveys that complete these loops to prove that they are a minimum 1 in 5,000.

Now I would think that a company as big as Consolidation Coal Company, who really set the standard for surveying in Marion, Monongalia, Wetzel, the northern part of West Virginia, and the part of West Virginia that I'm from, if they thought that 1 in 5,000 was the minimum standard as early as 1920, I would think that in 1986 -- or '87 now, that the State of West Virginia would think that, almost 60 years later, that 1 in 5,000 should be a minimum.

Now I'm not saying that there aren't people that can survey with a compass, that can survey 1 in 5,000. What I say to you is, can you run a survey -- start right here in this street right here, run approximately a 1,500-foot survey loop, with maybe four or five stations, and tie 1 in 1,500? If you can do that -- or 1 in 5,000. If you can do that and prove that you can do that, then I think you ought to be allowed to survey with a compass. But if you can't demonstrate that you can do that in a given particular area, then I don't think you ought to be surveying with a compass.

The day of electronics is here. I realize that dragging electronic equipment up over -- in the mountains and up in the woods and things like -- it is quite difficult, although we have found that surveying in the hills in Marion County and -- has

become easier because we throw now from one side of the hill to the other rather than have to run a line. I don't know how other people practice their business, but very seldom do we actually run right on a property line. Most of the property lines have got fences or things on them where you can't run directly on the line anyway, so it's a matter of calculation.

The day of the computer, the basic calculator, all this equipment that we now have in order to stay competitive makes the surveying more of a -- much more of a science than what it has been in the past.

More and more, it's become much more technical. I think that the Board needs to set some minimum standard; not only for what surveying ought to be. All the text books have different classes of surveying that's, more or less, accepted throughout the United States. I would think that we could at least accept the minimum, which is 1 in 5,000.

I also believe that there is more valuable ground and less valuable ground. I have been involved with considerable, what I refer to as, fence fights. I try to stay away from those kind of surveys by demonstrating that -- to the property owners and the people who want to fight, that -- in Marion County, there is one piece of property that I would like to have a fence fight with and that is The First National Bank Building, which is probably the most valuable building in Fairmont.

If I could just prove that we -- someone could own about six inches of that, then it would be worthwhile to go to court to fight over it.

I think that -- so therefore, the First National Bank Building in Fairmont, in my mind, is a very expensive piece of ground. If that property was to be surveyed, I think it should be surveyed to a very high precision.

There are a number of subdivisions out in the outlying areas of Fairmont, or in Marion County, that are five-, six-acre tracts that have sold for as much as much as \$6,000 and \$7,000. Those tracts are not what I call very valuable ground. Maybe those tracts only need to be surveyed 1 in 5,000.

There are properties down at -- by Cheat Lake, near Lakeview Country Club that the property itself, vacant for a third of an acre, runs as high as \$30,000 and \$40,000. When a man starts paying \$40,000, better than a dollar a square foot, or two -- almost three dollars a square foot for property, I think the man is entitled to know exactly where his property is.

Not only does he need to have it tied down very well, but I think those kind of properties should be tied in to some universal control. Unfortunately, West Virginia does have the state plane coordinate system. There's no money for us to pay for us to tie into that state plane coordinate system. There's nobody promoting it. There's nobody bringing it on up to

interstate force, so that we can tie when we're near the interstate to tie into something. There's no correction for -- to sea level. There's no correction due to the Lambert Transverse System.

There's nothing. My survey that I go out and do is tied to what I found on the ground. If I've got to come back in 20 years, I sure hope I can find something that I left on the ground, so that I can still work from the same thing. Twenty years from now, someone else could come along and that would not be tied to some particular monument or something where it could be -- come back and put exactly the same location.

I know that in other states, they're -- certain surveys are required to be tied to basic control that's been put in by somebody, either the U.S.G.S. -- or whether they've changed their name, and I'm not familiar with what it is now, but I definitely feel that until we increase the professionalism in surveying, we're still going to be considered as just the hick surveyors from West Virginia, out there with a compass doing some surveying.

I really believe that that's one reason why we have a lot of people come out of state -- from out of state and survey in our areas.

We had a new post office put right adjacent to the building that I'm in. I don't know where they came from, but they sure didn't come from Marion County to survey that. I think

they came from Pennsylvania. Now is (sic) the federal government think that we didn't have any surveyors in West Virginia that -- to determine where this building was? Or did they have a contract?

You know, you wonder, especially in Marion County. We're very close to Pennsylvania; we get people from Ohio coming in doing work; we get people from West -- or from Pennsylvania coming in doing work, and we need to get our level of professionalism up so that we're respected with the rest of them.

I think the Board has made great strides in going to the NCEE. I've taken the NCEE and passed it, and I'm quite proud of it, that I've done that.

I feel that -- and this is a little bit off of what I've already said -- I feel that the Board, in their test for the state, should require a demonstration from anyone who wants a license in the State of West Virginia that they can survey, at least with the equipment that they think they're going to survey with.

And if they do not have -- the individual does not have equipment -- for instance, they may work for a coal company, gas company, or something, where they could not have the equipment -- I feel that there's enough colleges in West Virginia that arrangements could be made that they could borrow equipment from the college and to give a demonstration that they could operate equipment.

I feel that it would be possible to pass the -- all the tests that's required by the Board by being a student, and it would be possible to meet the requirements on a broad range, as -- by filling out the application. But I still think that it's the responsibility of the Board to be sure that anybody -- everybody could demonstrate that they know how to use equipment and could produce the work.

Now unfortunately, most licensed surveyors are not out doing the work themselves. They have employees who are out doing the work. I have an employee that's out doing the work. I'll tell you right now, Ira -- there is nobody any better than my employee. The best man in Marion County has retired. He's been retired for 10 years, and everybody will still say that he's the best man.

My employee is Number Two. Now I still go out and check what he does. Unfortunately, -- and here I say, again -- the surveyor himself, the licensed man, very seldom is on the job, although he's the guy with the responsibility. So it's very possible that the surveyor, the licensed man, does not know how to use the equipment, could not go out and do it, and I think that most definitely needs to be demonstrated to somebody that this man can do it. Thank you.

MR. MCCOY: Thank you, Norman.

MR. SPENCER: Richard Byers.

MR. BYERS: I sat over here and I pretty much agree with what Mr. Kronjaeger said.

MR. MCCOY: Okay. If there isn't any more testimony, we're going to adjourn this meeting, but we are going to -- the Board is going to stay around until approximately noon, just in case somebody would come in late with a flat tire, or something happened to them. We will adjourn this meeting, but we will stick around until noon in case there is more testimony.

I appreciate everybody coming, and I think everybody has a right to their opinion, and I don't believe that their opinion should be used against them now or ever, or what they said in this meeting, and I -- and the Board has, as far as I'm concerned, no intentions of ever doing this.

I think if everybody gets together, we can make a better profession, and this is the type of meetings, I assume, that will make us more professional.

So thank you-all, again, for coming.

I need to reopen this meeting for one minute here, I guess to make sure we do not do anything illegal at all. We'll adjourn the meeting, but we will only take written comments. If anybody else comes in, we'll--whatever the notice stated March 2nd; is that right? At noon?

So you-all won't miss any testimony, but we will just accept written testimony from now on. But we will stick around

until noon in case somebody does come in, that they got lost so they'll know.

Thank you, again, for coming.

(Whereupon, the following documents were marked as exhibits in this hearing.)

EXHIBIT NO. 1

Proposed Rules, State Register Filing.

EXHIBIT NO. 2

Fiscal Note for Proposed Rules.

EXHIBIT NO. 3

West Virginia Legislative Rules

EXHIBIT NO. 4

Affidavit of Publication.

EXHIBIT NO. 5

Notice of public hearing to Governor Arch A. Moore, Jr.

EXHIBIT NO. 6

Notice of public hearing and comment period on proposed rules.

EXHIBIT NO. 7

Written statements by Norman Kronjaeger, Thomas Cronin, Paul Herbert, Kim Phillip Yanero, Steven L. Murphy, Mark Talkington, Jeffrey D. McCoy, Elwood Koerner, John Lounsbury, Richard Byers, Ronald Talkington, Eldon Plaughter, Tom Henderson, Daniel Wheeler, Homer Ransberger, Lyndell Snyder, Dallas Lovejoy, G. Brown,

EXHIBIT NO. 7 (Cont.)

Herbert C. Rockwell, Jr., James C. Hickman, Robert D. Hough,
Ted M. Streit, Larry W. McDowell, L. L. Moss, John H. Gibson,
J. Herbert Higginbotham, Leon Lipscomb, Robert D. Faris,
Rick Sypolt, Galtjo L. Geertsema, J. Edward Hamrick,
Raymond T. Stiles, Marvin J. Hardy, F. Henry Sipe.

EXHIBIT NO. 8

Attendance list for public hearing held 2-25-87.

(Whereupon, the hearing was adjourned at 12:00 p.m.)

I hereby certify that the transcript within meets the requirements of the Code of the State of West Virginia, No. 51-7-4, and all rules pertaining thereto as promulgated by the Supreme Court of Appeals.

Signed: _____

Date: _____

Judith L. Cottle

March 9, 1987