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WOW this certainly has been a busy and interesting five weeks. It started off with a trip to Newfoundland for their AGM, then Executive Committee, then Council, followed by Steering, and this past week had us in Cypress Hills for the SLSA AGM. And now back in the office preparing for a meeting with the Director of Surveys and thinking forward to this month’s Executive, Council and Convention Committee meetings.

Before I get into the crux of my report I’d like to take this opportunity to thank the membership for the trust and confidence they have shown in me through the honour of being your president for the next year. This is a privilege, I assure you, which I do not take lightly, and I will do my very best to maintain the standard of excellence set by my predecessors. Shirley and I also take the responsibility of representing you across the country as a great honour and a privilege to which we will both work hard to uphold the good standing traditions set out before us.

Second, I would like to thank Bob and Kathy and the rest of the team: including the Association staff, committee chairs, committees, guests, members and numerous others that made the AGM in Lake Louise a huge success. I think everyone had a great time. The events were well planned and executed without any hiccups along the way. For me, the highlights were the two sold-out seminars, and the honouring of many of our members for their professional accomplishments especially our new members.

To each and everyone honoured, congratulations and well done.

In my first two trips to other AGMs it was commented to me on how well our members involve themselves in the business discussions that take place at our business meetings at the AGM. Past President Dale Rosnes from Saskatchewan noted in his message to his membership that the Alberta meeting was perhaps the most democratic he had attended. I take that as a huge compliment to our membership and their involvement in our Association.

I would now like to bring you up to speed on some of the happenings going on across the country with some of our sister associations and on the national scene. Then I will finish by providing you with a summary of Council’s and the various committee priorities for the upcoming year.

All indications are that Council and the committees will be having a very busy year. For this reason, it is of utmost importance that we receive feedback from you, the members, on a continuous basis. This will help us to ensure we are not wasting valuable volunteer time; and to help ensure this is the case, we have planned many regional meetings to make sure communication lines are open between Council, and committees, and the membership. However, over and above that, please feel free to contact a councillor, a committee chair, or myself if you have something you feel would benefit our membership.

In my short time as your president, some of the things I have learned that are going on around us are:

• Newfoundland welcomed its first new member in five years – congratulations to Clint Rumbolt, NLS.
• The new President in Newfoundland is Mr. Wilfred Thorne.
• New Brunswick’s Council has given approval for them to join CBEPS, and the rest of the Maritimes are trying to get aligned timing-wise to join along with New Brunswick.
• Ontario has similar, but probably bigger, buried facility issues and are struggling with how to deal with this complex issue. One thing they are investigating and testing out is a very hard short (16”), thick (1 1/2” square) plastic monument that would be used in heavy urban areas, to reduce damage caused by larger metal posts.
• Ontario has new legislation that has just been passed which is a Fair Access to the Professions Act. I am informed it is similar to Manitoba’s legislation. This legislation has very interesting ramifications to the international and national mobility of professionals. Well worth investigating and understanding better.
• The Saskatchewan members, I observed this past weekend are strong supporters of a national body movement and CBEPS, and many members like where BC and Alberta have gone with TILMA. They just are not sure where their government stands on it, at this point.
Facilities—many members have been assigned by Council.

In addition, Council has identified several key strategic issues that it would like to commit time to discussing and investigating. These issues are:

• Future of the Director of Surveys—continuation from the work done last year.
• Systematic Practice Review—working closely with the PRB.
• TILMA—still more work to be done on implementation. As well, Council supports the concept of working with other sister associations to explore similar agreements.

Well, this was a little long-winded I know, but I wanted to make sure I was doing my part to communicate and bring everyone up to speed as best I could on my activities as well as those of Council and some of the committees.

Once again, thank you to all those who give of themselves for the continued success of our Association; it truly is the volunteers, combined with an effective and hard working Association staff that make our Association what it is.
First I must say thanks for allowing me to serve on Council. It has been very rewarding and awakening. It has also brought me new meaning to the word ‘compromise.’ I have a potpourri of thoughts that have been stewing for awhile that I would like to see the membership thinking about.

**SPR Process**

There was much discussion revolving around the continuation and funding of our Systematic Practice Review (SPR) process at this year’s annual general meeting, both in the room and in the saloons. The results published following the Practice Review Board subcommittee survey show that the membership would like the next Phase 4 to be similar to Phase 3. This will only work if there is a Director of Practice Review. So far, no one has stepped forward, which means alternatives need to be explored.

Why do we need to have an SPR program? I have never believed that practice review was necessary or appropriate. Does the marketplace not dictate that we have to stay current to compete? Does the discipline process not ensure that the public is protected? Does the article process not weed out the undesirables? How can a municipal surveyor understand the oil patch, or vice versa?

Most self-governing professions use a professional regulatory body to ensure accountability of their members. Generally, this is identified as peer review—one surveyor or body of surveyors review another surveyor. A body of surveyors also sets the requirements for new surveyors. There is always a group of people that see this peer review as questionable. How can self-regulation be in the best interest of the public? How can a self-governing association that regulates entry into the profession do so impartially when they will benefit from setting unnecessarily high standards for entrance? Independent reviews have recently shown that this peer review can be valuable but that public interest must be protected with more public involvement and more accountability. We have two public members that represent the interests of the public, one on the Practice Review Board and one on Council. Is this sufficient public involvement? An article in the March 2008 *ALS News* regarding self-regulated professions indicates that productivity is reduced when competition is reduced. We have competition amongst surveyors and I honestly cannot see the accountability of our profession being anything other than peer review, just because of the nature of what we do. I believe that our self-regulation works because we are constantly asking ourselves “how does this serve the public?” It comes up at every Council meeting.

I believe that the membership desires the SPR process to continue because if we rely on the marketplace and our discipline policy to govern our members, we are reacting to a problem that has already happened. The SPR process allows us to be proactive in our attempt to protect the public and maintain an acceptable standard of practice.

Funding the SPR process is another matter. We are currently in a position where we have the post sales revenue stream that allows us to spend the monies on SPR like we do. It is a large part of the annual budget. It is inevitable that some day this revenue source will disappear. Monuments will at some point be replaced by coordinates. Our current SPR is not accountable for the funds that we pour into it. A budget is set based on the costs from the previous year, but no one has to justify those costs because we all say that we must spend whatever funds are needed to continue the process. I would suspect that our SPR would look considerably different if it had to be funded solely by the members. Maybe there is a place for mandatory continuing education and would make better use of our funds. Some people believe mandatory continuing education would be more beneficial, and would cost less than SPR.

**Association Costs vs. Revenue**

This brings up another item for discussion. Council has seen this year, for the first time in several years, that our expenditures are very close to our revenue, primarily due to a decrease in post sales. Council and, subsequently, the membership approved a change in the bylaws to allow for fee increases. Fees charged under the previous bylaw were pretty much at the top of the allowable amounts.
The new fee limits may not be reached for a few years, but this change gives Council more flexibility than there was with the existing fee structure. We are, as we should be, still behind other associations for membership fees. I also saw a leaning at the AGM towards using the reserve fund to top up revenues when needed, instead of other increases. We are lucky to have that option.

Administrative Law Seminar
The next item I would like to bring up is the Administrative Law Seminar, the presentation on Parts 2 and 5 of the Land Surveyors Act by the ALSA legal council, David Jardine. This is an enlightening presentation on the discipline process that every land surveyor should attend, and this would be an excellent place to start mandatory education. I was amazed at the similarities between the deposition process, and the meticulous note keeping required during any discipline hearing to the way we should be keeping our field notes. Another good argument for the constant battering we do on our field staff to get proper field notes.

Bidding Work
The last point I want to make is the effect that bidding work has on land surveyor companies. In the oil patch now, there are more and more companies asking for surveys to be performed at fixed prices using requests for proposals (RFP). When times are busy, these companies accept our invoices, when things start to slow down they start to question the invoices, when things are slow they start to bid their work out. Sometimes bidding work allows you to win and sometimes it allows you to lose, but it always pushes our professionalism and always reduces the service aspect to our clients. Is this the competition that increases productivity for our self-regulated profession? It also throws us into a poor light with our clients. How can the same work today cost half what it did last year? You could respond that it is based on supply and demand, but it puts us into the same category as the contractors whose rates skyrocket when times are good. If you didn't overcharge your clients when the industry was booming why would you undercharge them when times are slower? I believe that the professional response to these RFPs would be with our schedule of fees. Anyone want to be first?

Are you attending?

Admin Law Seminar
August 27, 2008

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I hope everyone had a good time at the 2008 AGM! It was an exciting time. There was also a sense of anticipation in the air as the Association prepares to celebrate the 100th Annual General Meeting next year at the Banff Springs Hotel.

At the AGM, on Saturday, newly elected MLA Ken Allred brought greetings on behalf of the Premier and the Government of Alberta. In his presentation, he invited the membership to come to the Legislature and be introduced in front of his fellow MLAs. The following week, Larry Pals, Vice President Don George and I happened to have a meeting with Hector Goudreau, Minister of Employment, Immigration and Industry and responsible for the Land Surveyors Act, David Xiao, Parliamentary Assistant for Employment, Immigration and Industry and Ken Allred. The purpose of our meeting was to inform the MLAs of the Association's signing of the Mutual Recognition Document under TILMA with the Association of British Columbia Land Surveyors. It was a good news and positive meeting.

Vice President Don George and I decided to take Ken up on his offer to see questions period in the Legislature and be introduced. Don and I managed to get through security and I immediately made a big faux pas by clapping when another guest was introduced. Guests at the Legislature are expected to be quiet and simply observe.

Since Don, Ken and I had some time between the end of our meeting with the Minister and the start of the session, Ken told us about a number of “behind the scenes” things that he had to learn. An MLA has duty days in which they are expected to be in the Legislature for the debates. Ken now has a blackberry to keep all of his appointments and himself organized. He also mentioned to us that Legislative Services is an excellent source of research for the MLAs.

In each session, selected MLAs are chosen to present a private member’s bill. Ken’s name was the third one drawn and, just weeks after being elected as an MLA, he was given the opportunity to put forward his own bill of his own choosing to the Legislature. On April 24, 2008, Ken Allred presented Bill 203, the Election Statutes (fixed election dates) Amendment Act for first reading. According to Hansard, on May 12, 2008, a six-month hoist amendment was agreed to. It is likely that this bill will go no further at this time.

This parliamentary process got me to thinking. What would I have presented in the Legislature if I had free reign to present a private member’s bill? It is very easy to say that a government (whether it is at the federal, provincial or municipal level) should be doing this or should not be doing that. It is an interesting exercise to think about what you would do if you had the chance to present your own piece of legislation. If I was to present a private member’s bill, it couldn’t be a money bill because the government’s budget is already set. It couldn’t be a bill that Cabinet was going to introduce. It would have to be a bill in keeping with the political philosophy of my party and my own personal beliefs. I would also have to be careful not to present something which might be perceived as self-serving or self-interested.

Even though I am free to put forward what legislation I would want, there are a number of self-imposed restrictions. I have given it a great deal of thought between now and then about what my bill would look like. I am no closer in deciding what my own legislative agenda would be.

Thankfully, the same does not appear to be true for the Association’s Legislation Ad Hoc Committee. They have four items on their terms of reference for 2008-2009 and their deliberations may lead to legislative or bylaw changes in the near future.

There has been some discussion that the Government of Alberta may review the Condominium Property Act and Regulation in the next little while and it was felt that it would be best for the Alberta Land Surveyors’ Association to start its review now and prepare its own recommendations to the government. It has been my experience that the government will issue a consultation document asking for various organizations to comment on a specific piece of legislation. Typically, the government gives these organizations a relatively short time to respond. There is usually not enough time for an ALSA
committee to meet and digest the proposed legislative changes and prepare a response for approval by Council. Starting to review the Condominium Property Act and Regulation now should mean that we will be able to give a more thorough and well thought out recommendation to the government.

Council has also directed the Legislation Ad Hoc Committee to investigate creating a category for non-practicing or “inactive” membership with separate annual dues. Art Miller proposed this motion under new business at the AGM. Art is not currently working as an Alberta Land Surveyor. Since he isn’t working as an ALS, he asked me what his choices were to remain an ALS but not pay the full membership fee when he does not have his own income. I replied that, at this time, his only choice was to go on the register of retired members. Art is far from retirement age and was looking for an alternative.

When the Legislation Ad Hoc Committee looks at this issue, they will have to define “inactive membership” and consider what the requirements might be in order to return as an active member.

For the last two years, the Legislation Ad Hoc Committee reviewed the provisions of the Municipal Government Act and prepared a letter on behalf of Council outlining a number of concerns. The letter contained two recommendations:
1. Establish regional planning authorities whose jurisdiction would encompass several small municipalities;
2. Random or period audits of planning authorities, subdivision and development processes and policies to determine non-compliance with the Municipal Government Act or the Subdivision and Development Regulation.

The letter was sent to the Minister of Municipal Affairs and Housing on January 31, 2008 and the Deputy Minister replied on February 25, 2008. The Deputy Minister did not support the Association’s recommendations. However, with the recent introduction of the government’s Draft Land Use Framework Document, there is a feeling that a number of the principles in the Land Use Framework Document correspond with the Association’s concerns and there still may be an opportunity to move forward.

Many members, no doubt, will recall the debate at the 2005 AGM that:
1. The Surveys Act be amended by adding Section 39.1 to give governing status to Part 3 monuments placed at non-monumented Part 2 positions; and
2. Section 44 of the Surveys Act be amended to give governing status to re-establish Part 2 monuments and re-establish Part 3 monuments placed at non-monumented Part 2 positions.

The members voted 113 to 53 or 68% in favour on the first part and 104 to 42 or 71% in favour of the second part.

Shortly after the 2005 AGM, the Association formally presented the recommendation to the government. As you may recall, the Director of Surveys had concerns about the recommendation and it was decided that the government would ask the Alberta Law Reform Institute for an independent analysis of the Association’s proposed amendment to the Surveys Act. As I write this, we are still waiting for the analysis from the Alberta Law Reform Institute. I suspect that when we get the analysis, there may be a great deal more work for the Legislation Ad Hoc Committee.

As you can see, the Legislation Ad Hoc Committee has just four items on its terms of reference this year but those terms of reference have the potential to be significant.

Perhaps as the Committee goes through this year and debates these issues, I will be able to answer my rhetorical question as to what bill I would present to the Legislature if I ever became an MLA.
Thank You

Dear Bob:

It was a pleasure getting to meet you, your family, and many of the members of the ALSA at the AGM this past week at Lake Louise. Thank you very much for the hospitality and allowing me to participate in the meetings and the festivities. I very much enjoyed the program, the professionalism of the AGM and, or course, the beautiful setting for the conference.

It was great getting to meet the members and guests from the other provinces of Canada. It is interesting that the same issues are prevalent no matter what part of the world you are from. It was very enlightening to experience the professionalism and participation of the members at the AGM. It is good to have a debate once in a while.

Thank you again and I will certainly recommend to our next president to attend the ALSA conference if the opportunity arises. Good luck in the coming year and enjoy being past president.

Craig L. Brown, PLS
MARLS President 2008

Unregistered Survey Companies, Fort McMurray

Further to my email correspondence of some weeks ago, ‘Power Point Surveys,” and now “Questar Geomatics” are performing surveys that are tantamount to defining property lines. This includes activities such as;
- Laying out roads from a tentative plan;
- Providing their customers with control surveys.

Meanwhile the general public along with our own more sophisticated clients are labouring under the illusion that these companies are legitimate survey companies simply competing with those companies that are registered.

As technology progresses and these companies grow both in size and numbers we, as members of the profession, will be reduced to performing the mundane task of simply pounding posts, while the bulk of the practice of surveying will be taken over by others. How are we as an Association going to continue to attract new highly educated people into a profession that will have been reduced to simple ‘hewers of wood and drawers of water?’ In the meantime, those who are not held accountable to the public and cannot be held ‘up to the light’ are going to be seen to be the true practitioners of surveying. What are we as an Association doing to stem the tide that will eventually consume us? Where does this leave the general public and their best interest?

Respectfully submitted by
Hugo C. Engler, ALS

Scholarships

I was the recipient of the Alberta Land Surveyors’ Association Scholarship this year at COGS. I would like you thank you very much for this tuition voucher, I really appreciate it. Sorry for not getting this sent sooner but I have been busy with the end of the year field camp. Thanks again.

Jon Kerr
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A Young Nephew Visits Carl Lester at a Survey Camp
by Carl Hare

The boy was breathless
With the wonder of it,
Taken by his uncle
To a new world,
A world up north
For a week he lived
Another life.
His home a tent,
His bed a cot
Beside his uncle.

In the brilliant day
The child discovered
The tent glowed inside,
Its canvas translucent;
And the child could see
The wooden drafting table
Covered with plans,
Hieroglyphics of imposed order.
All was neat:
The plans rolled or tacked out,
The strange pencils in their place,
The pens and inks
Quietly in rank,
The means of correction at hand.

At night the light turned inside out,
The gas lamp hissing
As the uncle carefully
Recorded the surveys of the day,
Every move precise, exact,
His the responsibility
For the right-of-way,
The future highway.

The crew ate meals
In the cookhouse,
The Ukrainian cook,
Big and jovial,
Created splendours

Of strange, aromatic foods;
Breakfast dishes
Of transfigured eggs,
Exotic buns and rolls and breads:
For lunch, eaten in the bush,
Huge packets of sandwiches
And alien pickles
And cakes and cookies
And other indescribable sweets.
Dinner was vast,
Thick steaks or roasts or fowl,
Mountains of boiled potatoes
And other vegetable delights,
Topped off with pies and cakes
And, again, less known sweet things.

The cook let the boy
Watch him prepare,
His movements as spare
And precise
As the surveyor’s pen,
His strong arms and hands
Working effortlessly.

Once the boy left the ordered pattern
Of tents and caravan
And trekked with the crew.
He walked behind,
Stumbling through the brush,
Wading across shallow creeks,
Arms upraised
To ward off the whipping branches
Or slap the squadrons
Of all-conquering mosquitoes,
Until the procession stopped,
The transit set up,
The measured line pulled taut,
The rod adjusted carefully
Through the delicate sights,
The spikes driven in,
And the square marker pits dug.*

Correspondence with and between
Eileen Lester and Carl Hare

I have recently come across a poem written by my cousin, Carl Hare (named for my Dad), about his visit to my Dad’s (Carl Lester) survey camp. It was written about ten years ago or maybe more. But these are his memories of his visit with my Dad when he was, he thinks, around 9-11 yrs, therefore this would have been around 1941-1942. All that Carl writes about are things that I have heard from my Dad. I just love it and thought you might enjoy it. (He has given me permission to send it to you). He also worked as a teenager on one of Dad’s crews but I am not sure if this was with my Dad or after he became Director of Surveys. When I met with Doreen and Wally Youngs a few years ago, Doreen remembered Carl working in the office but I think he also worked on a crew.

Eileen Lester

Carl originally called it XI because it is part of a series of twelve poems called “Pastorals” about a city boy’s experiences with nature. I have told him what I had called it and he added “young” as above.

He also added a bit about his days as teenager working on the crew but the poem, as I mentioned in my first e-mail, was written about the visit he made age 9-11 (1941-43). Doreen Youngs remembers him working in the office. As he stated he would like his name to be published with it. Carl Hare.

Named for my Dad. His mother and my Dad were brother and sister. His Dad and my Mom were brother and sister. Sounds incestuous but isn’t. Just a brother and a sister who married a brother and a sister.

Sincerely
Eileen Lester

Eileen

Of course you can have my permission—anything to help Unc’s memory. Just ask them to publish it with my name.

Re what you told them: I went on surveys as a post hole digger just before I went to university, I think. We were surveying the Strathmore-Bassano section of the then new TransCanada highway, so that should fix the date. Later, I think, I worked in his office making a map of oil pipelines in the province for the Deputy Minister’s office. Hey, this is over fifty years ago! I have trouble remembering yesterday, much less then.

Love Carl

*I have tried to make this clearer, but it is difficult because it is a technical attribute of surveying. Once a surveying point has been established that needs to be marked permanently, a spike is set precisely and surrounding it four pits dug, each one foot square and deep, to make the spike easier to be found. It was my job on surveys when I was a teenager to dig these pits.
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New Members

#795 BODE, Ralph T.
Ralph Bode was born in Port Arthur, Ontario in 1967. He graduated from Hillcrest High School in Thunder Bay, Ontario in 1985 and went on to receive a B.Sc. in Survey Science from the University of Toronto.

Ralph worked towards his Alberta Land Surveyor’s commission as an affiliate member under the supervision of Alberta Land Surveyors Al Nelson, Philip O’Connor, David Marquardt and Courtney Tripp. He received his commission as an ALS on March 18, 2008.

Ralph received his OLS commission in 1993 and his CLS commission in 1994. His first summer job in surveying was in 1987, swinging a sledge hammer for four months. Ralph managed the Thunder Bay office of J.D. Barnes Ltd. from 1997 to 2003. He became an affiliate member employed by Midwest Surveys Inc. on June 7, 2006 and is currently managing the Edmonton office.

Hiking, skiing (both cross-country and downhill), biking and chopping firewood are some of the activities that Ralph enjoys.

Ralph is married to Crystal Dawn and they have three children: Connor (age 16), McKenzie (age 13) and Carlene (age 12). The family makes Edmonton their home.

#796 SPROTT, Cathy A.
Cathy Sprott was born in Boissevain, Manitoba in 1978. She graduated from Boissevain Collegiate Institute in 1996 and from SAIT in 2002 as a geomatics engineering technologist.

Articles were served under Bill Pang, ALS from November 2004 to June 2007 and Dennis Clayton from June 2007 until April 2008. Cathy received her commission as an Alberta Land Surveyor on April 8, 2008.

Cathy is currently employed with Vista Geomatics Ltd. in Calgary. She has five years experience in urban surveying including real property reports, subdivisions and condominiums as well as a year’s experience in the oilfield sector. She served as the ASSMT liaison member of the ALSA Standards Committee.

Leisure activities include volleyball, camping and travelling.

#797 LAURIE, Lesley A.
Lesley Laurie was born in Saskatoon, Saskatchewan in January 1980. She graduated from E.D. Feehan High School in 1997 and went on to graduate from the University of Calgary in 2005.

Articles were served under Jerry Quinlan, ALS (2005-06); George Munro, ALS (2006-08); and Rob Scott, ALS until she received her commission as an Alberta Land Surveyor on April 8, 2008. Leslie serves on the ALSA Public Relations Committee and is also an engineer-in-training with APEGGA. She is currently employed with Midwest Surveys Inc. in Edmonton.

Surveying experience includes summer employment with the Legal Surveys Division of NRCan in Ottawa in 2003, oil and gas surveying working for McElhanney Surveys (2005-08) and municipal surveying for Focus Surveys and Stantec (2006-2008).

Skiing, golfing, biking, glasswork and cooking are a few leisure activities that Leslie enjoys.

Lesley and Byron Laurie, ALS reside in Edmonton.

#798 GORDON, Ryan T.
Ryan Gordon was born in Dhahran, Saudi-Arabia in December 1981. He attended Western Canada High School in Calgary for grades 10 and 11 and graduated from Tom C. Clark High School in San Antonio, Texas in 2000. Ryan went on to receive a B.Sc. in Geomatics Engineering from the University of Calgary in 2004.

Articles were served under Rick Gauthier, ALS and more recently, Ross Metcalfe, ALS from November 2004 until he received his commission on April 16, 2008. Ryan is also an engineer-in-training with APEGGA.

Surveying experience includes working as a survey assistant with EnMax in the summer of 2003. In 2004 he worked his way up from a survey assistant to a crew chief with The Cadastral Group in Slave Lake where he commenced articles. Ryan moved to Peace River in the fall of 2007 to work for Midwest Surveys Inc.

Ryan enjoys leisure activities such as biking, bagpipes and reading novels. He bagpiped for many years with several different bands including the U of C Pipeband and the Calgary Highlanders.

Ryan and Sara Gordon and their two children Raylee (age 2) and Oscar (age 1) reside in Grimshaw.
#799 PENNELL, C. Wade

Wade Pennell was born in Kamsack, Saskatchewan in June, 1974. He graduated from the Kamsack Comprehensive Institute in 1992 and received a B.Sc. in Geomatics Engineering from the University of Calgary in 1997.

Wade worked towards his Alberta Land Surveyor’s commission as an affiliate member while employed with Can-Am Geomatics Corp, both in Swift Current, Saskatchewan and Grande Prairie since 2004. He received his commission on June 19, 2008. Wade also served on the SLSA Council and Public Relations Committee.

Wade is married to Loriane and they have three children: Kiandra (age 9), Jake (age 5) and Katie (age 2).

ALSA Register Updates

ACTIVE

Jeff Blatz has a new direct phone number: (403) 477-0394.

Ralph Bode received his commission as ALS #795 on March 18, 2008. Mr. Bode is employed with Midwest Surveys Inc. in Grande Prairie.

Grant Cross has a new e-mail address: grant.cross@stantec.com.

Stephen Fediow has a new e-mail address: sfdiow@dawatt.com.

Al Flim has a new direct phone number: (780) 377-3644.

Don George is now listed as a sole practitioner and can be reached at: 13910 Stony Plain Road, Suite 1801, Edmonton T5N 3R2; Tel: (780) 452-8549; E-Mail: don.george@telus.net.

Ryan Gordon received his commission as ALS #798 on April 16, 2008. Mr. Gordon is employed with Midwest Surveys Inc. in Peace River.

Don Grant has a new direct phone number: (780) 377-3638.

Bruce Gudim has relocated to the Calgary branch office of Maltais Geomatics as of April 7, 2008.

Victor Hut, ALS has taken employment with Millennium Geomatics in Calgary as of May 13th. His direct e-mail address is victor@millenniumgeomatics.ca; direct phone number is (403) 270-0328; direct fax number is 403/770-8328.

Jiunhan Keong is now employed by Maltais Geomatics Inc. in Calgary. His e-mail address is: jiunhan@maltaisgeomatics.com.

Lesley Laurie received her commission as ALS #797 on April 8, 2008. Ms. Laurie is employed by Stantec Geomatics Ltd. in its field office in Medicine Hat.

Mark MacDonald has left Caltech Surveys and commenced employment at Amar Surveys Ltd. in Calgary effective July 3, 2008.

Pat Moloney has a new e-mail address: pat@blackstonegeo.com.

Brent Murray is now registered as a sole practitioner. His contact information is 621 Baptiste Drive, West Baptiste T9S 1R8; Tel: (780) 799-0272; E-mail: tripod@mscsnet.ca.

Wade Pennell received his commission as ALS #799 on June 19, 2008. Wade is employed by Can-Am Geomatics Corp. in Grande Prairie.

Bernie Rachansky has been suspended effective June 15, 2008.

Cathy Sprott received her commission as ALS #796 on April 8, 2008. Ms. Sprott is employed by Vista Geomatics Ltd. in Calgary.

Michael Stewart is no longer employed with Altus Geomatics Limited Partnership and is operating as a sole practitioner. His contact information is 6016 - 47 Avenue, Beaumont T4X 0A3; Tel: (780) 929-0433; E-mail: mike.stewart@telus.net

Michael Thompson assumed responsibility for the High Level branch office of Maltais Geomatics on March 1, 2008.

Adam Thompson has a new e-mail address: adam@benchmarkgeomatics.com.

Metin Timocin is now employed with Focus Surveys Limited Partnership in Medicine Hat.

Peter Walker is now registered as a sole practitioner. His contact information is 906 Crescent Road NW, Calgary T2M 4A8; Tel: (403) 284-4617.

Scott Westlund has left Manitoba Conservation. Scott will now be listed as a sole practitioner although he is not actively practicing in Alberta. Scott will be doing some short-term consulting for the World Health Organization via the United Nations in New York. His Canadian mailing address is now 35-2885 Pembina Hwy., Suite 124, Winnipeg, MB R3T 2H5 and his Canadian phone number is 204-962-3291. We do not have contact information for Scott in the US.

HONORARY LIFE

Syd Loeppky was appointed an honorary life member on May 21, 2008.

RETIRED

Lorne McNeice was approved as a retired member on May 21, 2008.

Art Miller was approved as a retired member on May 21, 2008.

Allan Nielsen became a retired member on March 10, 2008. He can be reached at 232 Shannon Mews SW, Calgary T2Y 2T6.

Ambi Wrzosek became a retired member on May 1, 2008. He can be reached at 12009 - 104A Street, Grande Prairie, T8V 2T6; E-mail: ambiwzr@gmail.com.

Con Zarowny was approved as a retired member on May 21, 2008.

ARTICLED PUPILS

Mohamed Abdel-salam signed articles with Greg Boggs, ALS of Universal Surveys in Edmonton on April 7, 2008.

Nitin Bansal transferred articles from Barry Fleece, ALS to Stephen Fediow, ALS of D.A. Watt Consulting Group Ltd. on September 21, 2007.


Meredith Bryan terminated her articles with Stan Longson, ALS on April 28, 2008.

Wade received his commission as ALS #796 on April 19, 2008. Wade is employed by Can-Am Geomatics Corp. in Grande Prairie.

Bernie Rachansky has been suspended effective June 15, 2008.

Cathy Sprott received her commission as ALS #796 on April 8, 2008. Ms. Sprott is employed by Vista Geomatics Ltd. in Calgary.

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Meredith Bryan terminated her articles with Stan Longson, ALS on April 28, 2008.
Norman Chan transferred articles from Jim Sharpe, ALS to Tim Steeves, ALS on April 12, 2008. Norman is now with Challenger in Calgary and his e-mail address is nchan@challengergeomatics.com.

Dagen Deslauriers articulated to Paul Dixon, ALS of Stewart, Weir & Co. Ltd. of Sherwood Park on April 14, 2008. Dagen’s e-mail address is dagen.deslauriers@swg.ca.

Robert Gregoire transferred articles from from Bernie McKenna, ALS to Barry Fleece, ALS of IBI Geomatics in Calgary on May 9, 2008.

Ashley Large transferred from Ron Hall, ALS to Les Mehrer, ALS on March 17, 2008 and is now at the Medicine Hat branch office of Focus Surveys Limited Partnership.

Krista Lovse transferred articles from John Lovse, ALS to Bill Lovse, ALS on April 23, 2008.

Jeffrey Main transferred articles from Jay Abbey, ALS to Mark Kocher, ALS of Millennium Geomatics Ltd.

Christine Maruette articulated to David Thompson, ALS of Challenger Geomatics Ltd. of Calgary on April 22, 2008.

Jason Nickerson transferred articles from Chris Chiasson, ALS to Stan Longson, ALS of Stantec Geomatics Ltd. in Edmonton on March 28, 2008.


Jonathan Tingley transferred to from Doug Cloake, ALS to Aziz Dharamshi, ALS of Tronnes Surveys in Calgary on April 7, 2008.

She can be reached at 510 Chesterfield Avenue, Suite 203, North Vancouver, BC V7M 2L9; Tel: (604) 596-0391; E-Mail: swards@mcelhanney.com.

**ASSOCIATE**

Ted (Tewodros) Abraha (AS060) became an Associate Member on May 21, 2008. He can be reached at Stantec Geomatics Ltd. in Calgary.

Alejandro Caldera (AS057) became an affiliate member on March 10, 2008. Contact information is: 47 Tuscany Vista Road NW, Calgary, T3L 3A3; E-mail: calderazarco@hotmail.com.

Anthony Choy resigned his associate membership effective April 30, 2008.

Stephen Clark has resigned his associate membership April 30, 2008.

Eric Collins (AS058) became an associate member on March 10, 2008. Contact information is: 671 Tuscany Drive NW, Calgary, T3L 3A7; E-mail: eric.collins@shaw.ca.

Sarah Cornett (AS059) became an associate member on March 10, 2008. Contact information is: 3-11 Bellerose Drive, Suite 367, St. Albert T8N 5C9; E-mail: info@ccls-ccag.ca.

Stephen Gear (AS061) became an associate member on May 21, 2008. His contact information is: 21379 - 89 Avenue Edmonton T5T 6V3.

Darren Hatt has moved to PO Box 10, Erskine T0C 1G0.

**CORPORATE**

Alberta Surveying Services Ltd. has been closed effective June 15, 2008 as per the Discipline Committee Order dated May 7, 2008.

AMEC Land Surveys Limited has moved to 507 - 70 ST Edmonton T6B 3P6 effective June 9, 2008. The main phone number is: (780) 436-2152; Fax: (780) 435-8425.

Benchmark Geomatics Inc. was registered as a surveyor’s corporation on April 8 with permit number P241. The land surveyor assuming supervision, direction and control of the practice is Patrick Moloney. The contact information is: 4663 Quentin Street SW Calgary T2T 6J1; Tel: (403) 807-2496; E-Mail: pat@blackstonegeomatics.com; Website: www.blackstonegeomatics.com.

Can-Am Geomatics Corp. Edmonton office has moved to Sherwood Park effective April 28, 2008. The new address is: 2055 Premier Way, Suite 133 Sherwood Park, AB T8H 0G2; Tel: (780) 467-6611; Toll Free: (800) 478-6141; Fax: (780) 467-7155; E-mail addresses remain unchanged.

Challenger Geomatics Ltd. Fort McMurray office has moved to 101 Signal Road, Suite 164 Fort McMurray T9H 4N6; Phone, fax and e-mail remain unchanged.

Explore Surveys Inc. was registered as a surveyor’s corporation on June 24, 2008 and assigned permit number P242. The Alberta Land Surveyor responsible for the supervision, direction and control of the practice is Dwayne Edmundson. The contact information is: 11612 - 36A Avenue, Edmonton T6J 0G2; Tel: (780) 293-1802; E-mail: dwayne@exploresurveys.com; Website: www.exploresurveys.com.

Longhorn Geomatics Limited was registered as a surveyor’s corporation with permit number P239 on March 7, 2008. David Thomas is the Alberta Land surveyor responsible for supervision, direction and control of the corporation. The contact information is: 3111 - 10 AVE NW Calgary T2N 1G6; Tel: (403) 289-8800; Fax: (866) 215-6827; E-mail: calgary@longhornggeomatics.com; Website: www.longhornggeomatics.com.

Midwest Surveys Inc. Brooks office has moved to 500 Cassils Road, E Bay 2, T1R 1M6. All other contact information remains the same.

Mission Geospatial Ltd. moved to 320 - 8 Street SE, Calgary T2G 5S7 effective May 14, 2008.

Morrison Land Surveys Ltd. has a new phone number: (403) 804-7421.
Principia Geomatics Inc. was cancelled as a surveyor’s corporation on May 21, 2008.
Vista Geomatics Ltd. has moved to 2135 - 32 AVE NE BAY 1, Calgary T2E 6Z3. Phone, fax & E-mail remain unchanged.

Correction
In the last issue of ALS News it was reported that Travis Lindquist was the recipient of the J.H. Holloway Scholarship foundation University of Calgary/SAIT transfer scholarship. Mr. Lindquist is a student at NAIT and the award was given on the basis of his academic achievement in the first year of his program. This is also not a transfer scholarship. Our apologies for the error.

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ALS Professional Exam Results

Practical Surveying Exam —Fall 2007
31 students attempted the exam. The pass rate was 87%.
1. Field Note Requirements—the average mark for this question was 8.9.
2. Rural Subdivision—the average mark for this question was 7.4.
3. Wellsite in Unsurveyed Territory—the average mark for this question was 8.4.
4. Real Property Report—the average mark for this question was 8.7.
5. Pipeline Right of Way in Surveyed Territory—the average mark for this question was 7.1.
6. Plan Requirements—the average mark for this question was 6.4.
7. Natural Boundaries—the average mark for this question was 9.5.
8. Condominium—the average mark for this question was 8.1.
9. Integrated Surveys—the average mark for this question was 8.7.
10. Re-Establishment—the average mark for this question was 7.1.

Practical Surveying Exam —Spring 2008
Following on the heels of fall 2007, which was arguably the most successfully completed Practical Surveying exam ever written by articling students (87% pass rate), the 26 candidates who attempted the spring 2008 Practical Exam were still quite successful with a 69% pass rate. These strong pass rates suggest that, either the students are becoming better prepared with the Practical Surveying exam material, or the Registration Committee is in great need of new questions to expand the question bank that is drawn upon. The truth is probably an equal combination of the two possibilities, and the Registration Committee is always considering innovative ways of encouraging the general membership to author new questions. The Spring 2008 Practical Surveying exam contained four new questions which most likely explains the decrease in the pass rate compared to Fall 2007. Although the question names suggest a weighting toward urban surveying, the topics were broad and tested basic knowledge of concepts that easily cross over between municipal and oilfield surveying. Specific concepts within the two disciplines were fairly distributed throughout the exam. The format of the Practical Surveying exam has definitely evolved to a point where any calculations required can be completed with a handheld device. The two questions that were completed most successfully were number 4 (Natural Boundaries, 9.4 marks) and number 10 (Wellsite in Surveyed Territory, 9.4 marks). The two questions that students struggled with the most were number 2 (Condominium, 5.4 marks) and number 3 (Subdivision Documents and Registration, 4.7 marks). The difficulties with these two questions are consistent with general performance on similar concepts during qualifying examinations. Students, therefore, are strongly encouraged to expose themselves to actual cases of documentation and registration processes for subdivisions and condominiums with practitioners who have expertise in these areas. An early effort to master these concepts will strongly serve the students during their qualifying exam.

1. Wellsite and Public Land Dispositions Survey (new question)
This is the second time that the exam committee utilized a true/false format. There were 20 brief true/false questions worth 0.5 marks each. This innovative question format allows the examiner to test a candidate’s knowledge of a broader range of topics compared with the more traditionally formatted questions that require more detailed responses from a narrower scope of potential topics. This sitting’s question dealt with general topics relating to public land disposition surveys.

The average mark for this question was 7.4.

2. Condominium
This question asked the candidate to demonstrate an understanding of a building condominium process, the types of possible units, consolidation and re-division. The marking examiner notes that not a single candidate mentioned ASCM ties in their answer.

The average mark for this question was 5.4.

3. Subdivision Documents and Registration (new question)
This question required the student to show knowledge of registration documents, service roads, deferred reserves and mortgage documents. The marking examiner commented that candidates did not appear to properly read the question. The question asked the candidate to deal with each instrument. Only 2 of 26 students answered the question in that manner.

The average mark for this question was 4.7.

4. Natural Boundaries
This repeat question required student to understand the impact that an altered natural boundary has on various parcel ownerships.

The average mark for this question was 9.4.

5. Pipeline Right of Way in Surveyed Territory (new question)
This new question asked candidates to list all of the drawings that must be prepared for stakeholders of a pipeline right of way project.
The average mark for this question was 6.9.

6. Plan Requirements
This question required candidates to identify and list ten errors or deficiencies on a pipeline right of way.

The average mark for this question was 6.4.

7. Urban Real Property Reports
An urban real property report was the scenario presented in this question to test the student’s ability to re-establish the corners of an urban lot. This was a very general question and did not test specifics of real property report content or documentation.

The average mark for this question was 8.3.

8. Road Closure (new question)
This straight-forward road closure question tests concepts that are relevant in both rural and urban situations.

The average mark for this question was 6.4.

9. Rural Subdivision
Although the title of the question states “subdivision” this question is more of an exercise in the assessment of rural evidence and the establishment of LSD boundaries.

The average mark for this question was 7.5.

10. Wellsite in Surveyed Territory
The specific content of this oilfield question balances some of the urban leaning questions of the spring 2008 exam. Although this question is specific to oil and gas surveying it was completed successfully by all students.

The average mark for this question was 9.4.

Statute Law Exam—Fall 2007
Forty candidates wrote the exam last fall. The exam consisted of 30 questions worth a total of 100 marks. There were only six candidates who were successful at passing this exam. This is roughly a 15% pass rate.

The breakdown of marks is as follows. Number of candidates who received:
• more than 90%.............................. 0
• between 80% - 90%....................... 1
• between 75% - 80%....................... 5
• between 70% - 75%....................... 5
• between 60% - 70%....................... 13
• between 50% to 60%..................... 9
• less than 50%............................... 7

The breakdown of marks per act is as follows:
• Condominium Act........... 56% Average
• Municipal
  Government Act ............. 57% Average
• Land Titles Act ............. 56% Average
• Surveys Act.................. 64% Average
• Land Surveyors Act ...... 61% Average
• Oil and Gas.................. 60% Average

The marks were very low throughout all sections of the exam. Reviewing old Statute Law exams is an excellent way to study and prepare to write this exam. Previous Statute Law exams can be found on the ALSA website.

The average mark for this exam was 61%. A mark of 75% is required for a pass.

Statute Law Exam—Spring 2008
Fifty candidates wrote the exam this session. The exam consisted of 29 questions worth a total of 100 marks. There were 22 successful candidates, roughly a 44% pass rate. This is an increase in pass rate over the last two sittings (fall 2007 and spring 2007).

The breakdown of marks is as follows. Number of candidates who received:
• more than 90%.............................. 1
• between 80% - 90%....................... 10
• between 75% - 80%....................... 11
• between 70% - 75%....................... 7
• between 60% - 70%....................... 13
• between 50% to 60%....................... 7
• less than 50%............................... 1

The breakdown of marks per act is as follows:
• Condominium Act ........... 77% Average
• Municipal
  Government Act ............. 71% Average
• Land Titles Act ............. 68% Average
• Surveys Act.................. 72% Average
• Land Surveyors Act........... 71% Average

Definitions continue to be a stumbling block for candidates. Be aware when answering definitions, that the definition you are giving is the definition that corresponds to the act in question. For example, the registrar with respect to the Land Surveyors Act is different than the registrar with respect to the Land Titles Act.

The average mark for this exam was 71%. A mark of 75% is required for a pass.

The Surveying Profession Exam—Fall 2007
The exam consisted of 15 questions for a total of 100 marks. 24 students wrote the exam and 17 passed. The highest mark was 93, with the average mark being 75.

The following is a summary of the questions and the results from each.

Question 1: Dealt with TILMA, what it stands for and how it will affect the ALSA. The question was worth 6 marks with the average being 5.3.

Question 2: The role of the Director of Surveys was the focus of this question. 2.4 was the average out of 3 marks.

Question 3: The role of the Director of Practice Review was asked. Based on 3 marks, 2.7 was the average.

Question 4: Corner Recordation Index, Describe what it is, what types of monuments get stored here, and how can you access the database were the questions. Five marks out of a maximum 6 was the average.

Question 5: PRB interpretations were the focus of this question. This question was worth 10 marks with the average being 5.6. Considering this question was asked on the previous two exams, students still do not seem to know much about these interpretations.

Question 6: Students were asked to define “practice of surveying” as defined in the Land Surveyors Act of Alberta. Based on 9 marks, 7 was the average.

Question 7: What qualities should an expert witness possess was the question. This was worth 4 marks, with 3 being the average score.

Question 8: Students were asked to describe the difference between unskilled practice and unprofessional conduct. Worth 4 marks, students average 3.4.

Question 9: Students were asked to describe the difference between liability in negligence and liability in contract. Worth 4 marks, students average 3.3.

Question 10: What legislation exists around ground disturbance and
Dealt with bylaws and questions and the results from each. The following is a summary of the exam and 17 passed. The highest mark was 93, with the average mark being 78.

The exam consisted of 9 questions for a total of 100 marks. 24 students wrote the exam and 17 passed. The highest mark was 93, with the average mark being 78.

The Surveying Profession Exam—Spring 2008

The exam consisted of 9 questions for a total of 100 marks. 24 students wrote the exam and 17 passed. The highest mark was 93, with the average mark being 78. The following is a summary of the questions and the results from each.

Question 1(a): Deal with bylaws and the makeup of Council. This part of the question was worth 16 marks with the average being 11.5. The students did very well with this question. One area where students struggled was naming the appointed voting members of Council. We were looking for the past president and public member.

Some incorrect answers (and they were common) were the Director of Practice Review, the Executive Director, and the Director of Surveys. It seems that a number of students believe the above positions are part of Council. Although important positions within the ALSA and government, they do not make up members of Council.

Question 1(b): Name the 7 different types of membership in the Association besides an ALS was this question. Worth 7 marks, the students did well with the average mark being 6.5.

Question 2(a): Students were asked to describe what each abbreviation stands for. This was worth 10 marks and the students did very well with an average of 9.8. This was a very easy question with only 3 students not receiving the full 10 marks.

Question 2(b): This part of the question dealt with definitions from the Manual of Standard Practice. This was a bit tougher than the first part of the question, with the average mark being 6.7 out of 10. Many students had trouble differentiating between a bearing and an azimuth, and between a parcel and a boundary. Most knew the definition of a lost monument.

Question 3: This question was based on Fred Cheng’s article in ALS News in December 2007 on non-monumented surveys and the use of roof-top control points. This question was worth 10 marks with the average being 6.5. Some students did very well on this question. The main weakness seems to be describing why Mr. Cheng believed that NAD 83 (original) should be used on these types of plans (average mark 0.7 out of 2) and in what coordinate system do non monumented corners need to be shown on the plan or registered document (according to the MSP). This question received an average of 1.1 out of 2. To get full marks, we were looking for grid (NAD 83).

Question 4: In this question, students were asked to describe three of the current Practice Review Board interpretations. This question has appeared a few times in the past few years. Most students did well and the average was 4.5 out of 6. A common mistake by the students with this question is the interpretation regarding the N14 pins on the blind line. Many of the students thought the interpretation was how to establish this monument, and not what the status of a Part 3 monument is when intersecting the blindline. This particular interpretation could be regarding all Part 3 monuments in positions where a Part 2 monument may exist. It is the original practitioner’s opinion as to the position. Future surveyors are obliged to confirm the monument is indeed in the correct position.

Question 5: This question dealt with an ALS News article that mentioned that the monuments along the Alberta/Saskatchewan border are not exactly on the 110th Meridian. All the students got this question right (3 marks) which is a great improvement over the past few times this question was asked.

Question 6: This question dealt with describing four articles of the Code of Ethics. All students did well on this question with the average mark being 9.5 out of 10.

Question 7: Right of entry and ways to avoid upset landowners was the theme of this question. It was based on an ALS News article in the March 2007 issue. This question was worth 10 marks, with the average being 8.4.

Question 8: The MSP and Surveys Act comparisons were the basis of this question. The average of this question was 6.4 out of 8.

Question 9: An article in December 2007 ALS News by Fred Cheng was the basis of this question dealing with bringing unsurveyed territory lands into the Land Titles system. The first half of the question was done well with students receiving 4 out of 6 marks. The second half of the question that dealt with the MSP and unsurveyed territory was not as well done as well with students receiving 1.8 out of 4 marks.
Dr. Mike Barry went on a trip to Nigeria recently as part of a project for the British Council’s Security Justice and Growth Programme and the first four site licences of a beta version of the Talking Titler Object Manager software were granted to the Directorate of Land Regularisation in Lagos. Nigeria has a population of more than 130 million and only 3% of the land is registered. Lagos itself has a population estimated at more than 15 million people.

The software is being used to manage the regularisation records. Regularisation applications include survey plans, application forms, and a host of other records. If successful, the applicant can register his or her property. On two previous missions, Mike examined the usefulness of video clips, audio files and digital photographs in the regularisation data packages.

On the same trip, the Talking Titler software was used for a two-day design and training workshop for staff in the Surveyor General’s office in Enugu. A group of four surveyors completed exercises using a range of records which included videos, photographs, survey plans and titles to input into a database in an integrated form. Survey records are currently in paper form in Enugu, and staff were given an insight into how a computerised system might function and how they could use the software to design and prototype this system.

In April, Mike Barry and Abdel-Rahman Muhsen visited the Canada Centre for Cadastral Management, held a two-hour workshop with staff in the office, and licensed four copies of the software to the Surveyor General of Canada.

The Talking Titler software is licensed as freeware, and it can be used to manage a range of land information applications which do not handle vast numbers of records.

The Talking Titler research project is supported by the Alberta Land Surveyors Association and the National Science and Engineering Research Council.

Dr. Michael Barry
University of Calgary
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Alberta Land Surveyors Retrace the Historic Path of David Thompson

The extraordinary path of surveyor David Thompson was retraced from Rocky Mountain House to Fort William (Thunder Bay) by a “brigade” of modern-day voyageurs over a 63-day, 3,600 kilometre voyage in the summer of 2008. A team of Alberta Land Surveyors joined this adventure of a lifetime for an 1,100 kilometre paddle through Alberta and onto Prince Albert, Saskatchewan.

How does a team of inexperienced voyageur canoe paddlers plan and execute this extraordinary trip? SIMPLE! Find an extraordinary team captain such as Monroe Kinloch, ALS. Well, maybe not so simple according to Monroe.

Monroe entered the fold of the David Thompson Brigade organizing committee in 2007 after the committee had already been planning the voyage for three years. Three years may seem like a long lead time for this adventure, but consider the fact that at its peak the brigade comprised a moving “village” of over 200 people, including 160 paddlers and support crew. Trying to find a campground for this many people without several years advance notice would be an impossible task.

The full contingent of the ALS team joined Monroe over the course of 2007 and into early 2008. We were essentially a team of twelve paddlers and four support crew, which varied in paddler numbers as team members came and went over the course of two weeks that the ALS team participated in the brigade. The team members included Robin Arthurs, Denny DeMeyer, Delores DeMeyer, Bruce Clark, Thompson Clark, John Haggerty, Peggy Holroyd, Barry Hardy, Ken Johnson, Michale Lang, Richard Lang, Pat Moloney, Rob Moloney, Hugh Moloney, Harold Pliszka, Lew Rodney, Mark Selander, Jim Stuart, Floss Thomson, and Gordon Thomson.

As team leader, Monroe’s first task was to find a voyageur canoe. Much to Monroe’s surprise, these canoes cannot be purchased at Canadian Tire. After a few queries through the brigade committee, a 40-year-old boat was located in Rocky Mountain House, and ultimately “portaged” to his garage in Sherwood Park. Over the next twelve weeks, an amazing effort was applied by Monroe’s extended family and neighbours, transforming a well used old canoe into a floating work of art. We certainly could not compete in light weight, and hence speed, with the majority of the space-age “kevlar” canoes on the voyage, but we stood apart from the others with the “look” of our rebuilt fibre glass canoe.

Our voyage was indeed an adventure from the onset, with 30 centimetres of fresh snow welcoming us to Rocky Mountain House in the second week of May. In spite of the weather, the spirits of the ALS team and the entire brigade remained high as we set out to paddle across a good part of Canada.

The capability to paddle from one end of country to the other, with the exception of British Columbia, and only portaging 150 kilometres, is uniquely Canadian. This geographic feature allowed the North West Company to compete from Montreal with the Hudson’s Bay Company during the fur trade.

Our first week on the river was a blur of learning the long lost arts of the voyageurs, while coping with a significant level of fatigue. This fatigue forced many of the paddlers into bed by 9 o’clock just...

...continued on page 56

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An adventuresome spirit is one way of describing the settlers who moved west to see the land which represented a vision for their future and their families. Land surveyors played a key role in making that vision become a reality.

As we approach our 100th anniversary there will be celebration of the Association’s accomplishments of the past, the present and our goals for the future.

As I look at the Practice Review Board members who have gone before me, I am humbled and thankful for the hours invested to maintain and improve the standards of our profession.

“To err is human” can be an excuse for making mistakes. However, it is still a fact of life, hence the importance of how we react to mistakes. In the professional world, we use the term “errors and omissions.” I will come back to this point later.

Eighteen years ago I experienced my first practice review and found it somewhat stressful. As of this date, I have experienced several reviews and have learned to appreciate the educational design of the review.

When you are an articling student, you do not often have the opportunity to receive a broad spectrum of experience. The Registration Committee encourages students to seek out practitioners who specialize in other areas of geomatics which are not available where they are currently employed. Similarly, as a practitioner we tend to specialize in one sector of geomatics such as oil & gas, municipal or perhaps government or education.

In 2006, I closed the doors on my own municipal survey practice and joined an oilfield survey practice. Within six months I received a call from the Director of Practice Review to schedule the Phase 3 SPR.

After directly supervising two crews for five years, I found it challenging to make the transition to several crews where the evaluation of Part 2 evidence is a daily occurrence by the crews and ultimately by me as I review their field notes.

In this transition, the systematic practice review was a significant benefit to me. The questionnaire for each product and the informal discussion with the DPR gave me insights and new ideas which helped me to improve such aspects as field notes and GPS redundancy methodology.

Earlier I referred to the common phrases “to err is human” and “errors and omissions.” I appreciate very much that the SPR was designed as an educational process. I am also grateful to the many committee members who have educated us in words and actions. I am particularly grateful to two senior members who have given me a few words of encouragement and continued their involvement in the association when they would rather be on the golf course. This has inspired me to stay involved in committee work, attend seminars and consider going beyond my bachelor’s degree.

By Bill Mintz, ALS

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These are exciting times for the Professional Development committee. We have been requested to move in new directions by Council and the membership. In their March meeting, Council directed the Committee to explore the use of web-based learning tools, such as the Sarwiki site. We were also tasked with presenting seminars using web based communication programs. The internet has many capabilities which will benefit our membership and their employees:

• The use of websites will allow equal access to learning for all our members, regardless of their geographic location.
• Travel time and costs will be eliminated from the learning process.
• Members will be able to use the web based programs to learn at their own pace.
• Learning will fit the member’s schedule, rather than a member having to find the time to attend a classroom seminar.

At the 2008 ALSA Annual General Meeting, a motion was carried for the Committee to develop a mandatory continuing education regime for presentation at our Association’s 100th AGM. Our centennial meeting is the perfect forum for showcasing our educational commitment to protect the public and maintain the cadastral fabric. For a topic as important as continuing education, I believe we need to hear each member’s opinion. Ensure you attend the meeting so your voice can be heard!

This doesn’t mean you can only speak your mind by voting next April on the Committee’s proposal. I encourage all members to carefully consider this topic and provide input to the Committee before the AGM. The more we know about your opinions, the better plan we can prepare on your behalf.

Cheri Berns, ALS
Through conversations with friends, family and acquaintances I have come to the conclusion that most Albertans do not know all that much about land surveyors. I think this problem stems from the numbers; there are roughly 10,000 Albertans for every land surveyor. The Public Relations Committee has undertaken a three-pronged attack to educate the public focusing on three groups: clients, post-secondary students and the general public. Due to the sheer numbers I think that we have two choices; dramatically increase our operating budget or increase the number of volunteers. In light of the budget discussions at this year’s AGM, I don’t think there is that much support for a budget increase so it will have to fall on volunteers. Keep in mind I am not suggesting everyone run out and join the Public Relations Committee, although you are welcome to. Most of the time the commitment is a few hours, and sometimes we even provide Beverages.

**Clients**

I think that clients are the easiest group to educate. Because they are a client, they already know what we do if not always why we do it. I have found most clients receptive to conversations about the industry and would encourage everyone to take the time to have these discussions. For the Public Relations Committee’s part, there are many brochures on various topics that can be ordered from ALSA. Try placing a few at the entrance to your office. An easy topic to bring up is always ‘destroyed monuments’ and how much money that adds to the cost of a project.

**Post-Secondary Students**

Annually, we hold or attend several events at the University of Calgary, including Career Day and Beef and a Bun. At the last Beef and Bun, we invited all interested land surveyors to show up and had six turn up to chat with the forty-plus students. Most of the students who show up are interested in learning about either the articling process or land surveying careers in general. All events are advertised in the weekly mailout and, if you live in the Calgary area, I think you have no excuse for not showing up to an event at least once.

**General Public**

To educate the general public, the Committee has focused on schools. This year we held the ALSA Trig-Alta Challenge—a land surveying-based math test delivered to grade eleven students in Alberta. I think the test was well done and we have learned a great deal from it to improve the test next year.

Where we are looking for member help is with local career days. I would like to encourage all members to attend career days at their local schools. Lesley Ewoniak gave a presentation to grade seven students and commented that they were all very interested and asked many thoughtful questions. I think that our industry is a shoo-in for career days because of the many appeals of our job. Most land surveyors have several stories about taking a helicopter to work, or coming around the corner to see a grizzly bear staring back at you. If anyone wants any help with a career day presentation they can contact the Public Relations Committee.

In the end, our jobs will be easier as more people understand who we are and what it is we do. And if you still need convincing to get out and support the Association, remember that during any presentation you will have the opportunity to shamelessly plug your company.

*Matt Forsyth, ALS*
Safety: What does it mean to you?

As the newly appointed chairman of the Safety Committee, I had to pen this issue’s article in a hurry as Sharon reminded me that June 1 was the deadline for this issue. I had a number of thoughts of what I would like to write about but the one that kept coming back to me was – Safety: What does it mean to you? This article is about each individual’s role towards safety; whether you are a director, an Alberta Land Surveyor, a project manager, an articling student, a technologist, or a survey assistant.

In Alberta, the Occupational Health & Safety Act was adopted by government in December 2002. The regulations and code came into force on March 2003 and April 2004 respectively. These documents outline various requirements that are essential in the enforcement of safety. For example, the Act defines the general duties that employers, workers and others must abide by to promote a safe work environment. The regulations define how workers are to be trained for the safe use of equipment, while the code spells out all types of requirements for all industries within the province. The following represents a few of these codes:

Part 5—Confined Spaces
Part 6—Winching Operations
Part 7—Emergency Preparedness & Response
Part 11—First Aid
Part 19—All terrain Vehicles and Snow Machines
Part 27—Violence
Part 28—Working Alone

These are just a few of the codes that the survey industry may use on any given day. The most important section of the Act is Section 35.1 which is the “right to refuse work” If the worker feels that there is imminent danger to himself or his co-workers, he can refuse work without fear of job loss.

What is the definition of working alone? Does it only apply to the store clerk at 7-11 or does it apply to our industry? I firmly believe that an individual scouting a possible well location in northern Alberta who has no contact with the outside world is working alone. And what about the survey crew that is surveying that well and does not have contact with the outside world? Is that not working alone, even though there are two or three persons on that crew? Or what about the single crew member looking for survey evidence for a real property report in an urban area? What about the manager who sends a crew to east-central Alberta, knowing that phone coverage can vary from area to area? Is that not working alone? What steps has the manager taken to ensure that that crew has contact with the outside world? This leads to another piece of legislation – Bill C-45, Section 217.1 of the Criminal Code – which places the onus on all individuals.

Section 217.1 states: “Everyone who undertakes or has authority to direct how another person does work or performs a task is under legal duty to take responsible steps to prevent bodily harm to that person or any other person arising from that work or task.”

When you think you have each area covered and under control, you realize that another issue crops up elsewhere.

Safety to me means more than keeping our field personnel safe. The staff in our offices, the marketers that travel to small towns to meet with administrators and Councils these people encounter working alone situations. There are numerous scenarios that can happen in an office environment from harassment, to violence in the workplace, an evacuation, to falling off a stepladder/chair, slipping on ice in front of the staff entrance during the winter or repetitive strain for people who work at computers. The individuals in charge of safety take on a huge responsibility as there are different types of careers within an organization. When you think you have each area covered and under control, you realize that another issue crops up elsewhere.

It is important that the safety person within your organization has some knowledge of all aspects of health, safety and environment. One of the organizations that I am aware of and a member of is the Canadian Society of Safety Engineering (CSSSE). A member of this organization can become a Certified Health and Safety Consultant (CHSC) once the member has met the minimum education, training and experience requirements. This organization holds monthly meetings with guest speakers from all walks of the safety regimen—WCB, OH&S, individuals who have had a life-altering experience because of the lack of safety. A second safety designation recognized across Canada is the Canadian Registered Safety Professional (CRSP). Again the candidate meets minimum levels of education, training and experience to become a certified professional. There are also safety training programs offered at the University of Alberta, University of Calgary, NAIT and SAIT Polytechnic which offer certificate and diplomas in Occupational Health and Safety (OHS) as do other institutions across Canada.

Whether you are within a large corporation or a single practitioner, a safety program should be a necessary document within your organization. There are a number of certifying partners for most survey firms. These are the Alberta Construction Safety Association, Alberta Safety Council and Enform. There are also different options for obtaining your Certificate of Recognition (COR) for every size of practice from small employers (10 people or less) and medium employers (11 – 30 employees) to the regular certificate of recognition for the large corporations.

The role of the ALSA Safety Committee is to remind our members that safety is a concern for all employees and bringing each employee home safe nightly is our role in making individuals aware. We can recommend new guidelines but whether a corporation accepts our recommendation is another story. We are an information gathering and distributor of safety information thus providing another means of continuing education.

Our industry has a good safety record so let’s keep it that way. We all benefit by having lower WCB claims and our families are grateful that loved ones come home to celebrate another day.

Barry Fleece, ALS
**Findings, Reasons and Order of the Discipline Committee**  
dated March 25, 2008

The following represents the findings, reasons and order of the Discipline Committee respecting a hearing of February 20, 2008 regarding a complaint by the Practice Review Board concerning Mr. David Chaudy, ALS.

The complaint by the Practice Review Board and the Notice of Hearing by the Registrar alleged that there is evidence of both unskilled practice and unprofessional conduct by David Chaudy as evidenced in his dealings with Systematic Practice Review findings regarding his practice and certain plans and surveys produced thereby.

The materials provided to the Discipline Committee consisted of:

1. A binder provided by Mr. Jardine and the Registrar containing exhibits as follows:
   - **Exhibit 1:** Letter of Complaint from the PRB dated March 29, 2007
   - **Exhibit 2:** Notice of Hearing
   - **Exhibit 3:** Extracts from the Minutes of the PRB regarding SPR 39.3
   - **Exhibit 4:** The PRB File for SPR 39.2
   - **Exhibit 5:** The PRB File for SPR 39.3
   - **Exhibit 6:** Copies of the first and second corrections made on the Part 30 Right Plan in the Phase 3 Systematic Practice Review

2. A document entitled “AGREED STATEMENT OF FACTS AND ADMISSIONS,” dated February 20, 2008 was entered as Exhibit 7 and was signed by both the ALSA and Mr. Chaudy and Mr. Ludwig, Mr. Chaudy’s legal counsel.

3. A binder with included documents and computer screen prints supplied by David Chaudy representing proposed remedial measures and new systems of information control. This document was entered as Exhibit 8.

The Committee considered:

- the three collective documents noted above, representing the Exhibits at the Hearing;
- the verbal submission by Mr. David Jardine on behalf of the ALSA;
- the verbal submission by Mr. Gil Ludwig on behalf of David Chaudy;
- the numerous questions to and responses by both Mr. Ludwig and David Chaudy;
- the verbal submission by Mr. Jardine respecting potential order and penalty; and,
- the verbal submission by Mr. Ludwig respecting potential order and penalty.

### Findings of Relevant Facts

1. David Chaudy, ALS is a member of the Alberta Land Surveyors’ Association (ALSA) with Registration Number 371 and received his commission on November 23, 1972.
2. GeoTrek Land Survey Ltd. is the practitioner’s surveyor’s corporation registered on February 24, 1995 under Permit Number P 187.
3. David Chaudy is the sole ALS member responsible for the practice and has been since November 30, 1997.
4. The ALSA Practice Review Board submitted a complaint against David Chaudy on March 29, 2007 which the then Chair of the Discipline Committee investigated and referred to a hearing.
5. The practitioner’s surveyor’s corporation (GeoTrek Land Survey Ltd.) was not a party named in the complaint.
6. A hearing date was established and later postponed by mutual consent to the February 20 & 21, 2008.
7. The Committee determined that the complaint was properly before the Committee and that David Chaudy had no objection to any of the members of the sitting Discipline Committee.
8. The genesis of the complaint related to a Systematic Practice Review including an SPR Phase 3 report sent to David Chaudy on July 24, 2006.
9. The report documented alleged instances of recurring problems with plans, with the integrity of surveys being conducted, with evidence assessment and with systems and procedures in running the practice. This documentation included specific plans which are of record in the SPR files within Exhibits 4 & 5.
10. The plans contained errors which, in the opinion of the Practice Review Board (PRB) required investigation and correction by David Chaudy, ALS.
11. On Page 11 of the Agreed Statement of Facts and Admissions, section 45, the Committee notes the following quotation attributable to David Chaudy, pursuant to the SPR 39.2 Phase 2 Report:

   “Before assuming control of this corporation I examined all aspects of the operation. This is a small, six person company, all of whom are under my personal direction and supervision. The offices are located in the home of a senior technical staff member whom I have known since 1964. His experience and knowledge are such that it may lead to over-reliance and be the underlying cause for some of the issues raised by the review. This issue has been identified and discussed with all of our staff. There is no question that all work performed by GeoTrek Land Survey Ltd. is under my direct and personal supervision and furthermore no product will be issued without my direct approval.”
12. The PRB conducted a recorded hearing on February 7, 2007 which David Chaudy attended but which was not documented by a court reporter. A transcript of the hearing was prepared by ALSA staff from recorded magnetic tapes. It is unclear to the Committee whether this hearing could be interpreted as a formal hearing as the Committee received no documentation respecting notices and the right to legal counsel.
13. David Chaudy had previously acknowledged to the PRB that Part 33 Wellsite Plan which was part of the review by the PRB left his office with his signature on it (digitally applied) but that he had not personally reviewed the plan.
14. The PRB expressed serious concerns with David Chaudy's ability to respond to questions, to corrections which may be required to plans and to the remedial procedures for plan and survey errors.

15. David Chaudy had been directed by the PRB in the Phase 2 Review to attend Getting it Right, Field Notes and GPS seminars.

16. David Chaudy sent some of his staff members to seminars but attended none personally.

17. The Committee takes note and quotes from the Agreed Statement of Facts and Admissions, the following “Admissions by David Chaudy, ALS:”

53. David Chaudy, ALS admits that:

a. during the period covered by Phase 3 of the Systematic Practice Review he did not exercise sufficient personal supervision, direction and control of the practice of surveying of GeoTrek Land Survey Ltd. and he placed too much reliance on his operations manager to carry out the daily supervision, direction and control required for the practice both in the field and in the review in the office of the information provided by the field crews;

b. during this Phase 3 period he had insufficient involvement in:
• contacts with some clients;
• reviewing and creating job set-ups for his crew or crews;
• providing instruction for his field crew workers;
• communicating with field crews;
• initial plan checking;
• work in the field;

c. the Part 33 Wellsite Plan that was reviewed in the Phase 3 review left the GeoTrek Land Survey Ltd. office with his digital signature attached but without having been reviewed by Mr. Chaudy and there was no formal policy in place that restricted the use of his digital signature in the practice. In this respect, Mr. Chaudy acknowledges that based on his view of the extensive experience of his senior staff, his supervision of wellsite plans was minimal, that his digital signature was generally used on these plans and that while he checked some wellsite plans personally, there were others where he did not.

d. He failed to ensure that the field notes prepared by his field staff included:
• Detailed descriptions for the evidence found;
• Sufficient descriptions of the extent of the search for evidence where no evidence was found;
• Sufficient checks and redundancies to ensure evidence was properly tied in and placed during the survey.

e. a number of the projects that were reviewed in the Phase 3 review did not demonstrate proper evidence searching and assessment techniques and Mr. Chaudy does not dispute the findings of the external audit in respect to this issue discussed above in the section of this Agreement relating to SPR 39.3;

f. incomplete plan corrections in respect to the deficiencies noted in the external audit were provided to the PRB for the Part 30 Right of Way Plan and an issue concerning Section 44 of the Surveys Act was not addressed in the initial correction submitted to the PRB;

g. an issue of double monumentation in the Part 31 Monument Plan reviewed in the external audit was not properly addressed and in reviewing the work done by staff in the field and in his discussions with the PRB, Mr. Chaudy was unable to explain how the double monumentation issue could not be resolved;

h. he did not attend the Getting it Right, Field Notes, and GPS seminars recommended to him in the previous systematic practice review but sent staff members instead. Mr. Chaudy has since attended the Field Notes Seminar and is prepared to the Getting it Right and GPS seminars when they are available;

i. concerns with respect to adequate searching and assessment of evidence, detailed and complete field notes and the need for improvement in these were also raised in the Phase 2 Systematic Review and the Phase 3 Systematic Practice Review continued to demonstrate issues in these areas;

j. he had difficult responding fully and clearly to some of the questions raised by members of the PRB at the formal hearing on February 7, 2007 and he appreciates that his limited responses caused concerns for members of the PRB.

54. “David Chaudy, ALS further admits that based on the facts and admissions set out in the Agreed Statement of Facts and Admissions there is conduct that, a Discipline Committee may find, amounts to unskilled practice of surveying or unprofessional conduct.”

18. The Committee takes note and quotes from the Agreed Statement of Facts and Admissions, the following “Admissions and Acknowledgements of the ALSA”:

53. The ALSA acknowledges that Mr. Chaudy and his legal counsel have been fully cooperative with the investigation and the steps leading to this hearing and that Mr. Chaudy has expressed through his legal counsel his willingness to assume responsibility for the shortcomings in his practice and to take steps to correct these issues. Mr. Chaudy and his legal counsel have also been willing to engage in discussions intended to shorten the proceedings in this matter through the admissions Mr. Chaudy has offered to make.

54. The ALSA further acknowledges that Mr. Chaudy has been a member in good standing since 1972 and has no previous record of discipline proceedings or findings.

55. The ALSA acknowledges that any ambiguous or unclear answers provided to the PRB may have arisen because David Chaudy had difficulty expressing himself at the Formal Hearing on February 7, 2007 and the ALSA confirms that it is not alleging that these facts establish any lack of integrity on the part of Mr. Chaudy.

56. The ALSA acknowledges that it is not suggesting that the weighted practice average scores determined in Phases 2 and 3 of the systematic practice review are evidence that establishes unskilled practice or unprofessional conduct. While this weighted practice average can give a very general guideline or base against which the land surveyor or the PRB can compare the practice, this information is designed for informational and educational purposes.

57. It is also agreed and acknowledged that a major factor in the lower weighted practice average for the Phase 3 review was based on the concerns with evidence found in two of the
products reviewed in the external audit. Because the external audit is weighed more heavily than plan reviews or field notes, and because evidence issues receive a heavy weighting, these issues had a significant effect on the overall weighted average of the practice.

19. The Committee notes that the responses of the practitioner during the Discipline Hearing do vary at times with the contents of the Agreed Statement of Facts and Admissions and it is extremely important that the Committee places a high level of reliance on the signed Agreed Statement of Facts and Admissions as a consistent and documented record of the proceedings.

Other Findings of Relevant Facts
Mr. Chaudy does not attend or rarely attends ALSA Annual Meetings, ALSA Regional Meetings or participate on ALSA Committees.

Decisions and Reasons of the Committee
The Committee considered both the original letter of complaint to the Registrar as well as the text contained in the “Notice of Hearing.” As there is some difference in the wording and in the order of the particular allegations, the Committee finds the original letter of complaint to be properly indicative of the concerns of the complainant and further that the Notice of Hearing does not change the character, terms or intent of the complaint and the Committee thereby deals with the collective terms of the said complaint letter and Notice of Hearing from the Registrar as follows:

1. Respecting the Practice Review Board allegation of unskilled practice:

   PRB: “Phase 2 review 3.6% below average and Phase 3 review 10% below average, it is evident that the practice is going the wrong way.”

   Notice of Hearing: “The Phase 2 Systematic Practice Review found that your practice was 3.6% below average and made a number of recommendations for addressing the concerns noted. The Phase 3 Practice Review indicated that your practice was 10% below average. It was evident in the Phase 3 Practice Review that your practice was going the wrong way in terms of improving practice standards and implementing Practice Review Board recommendations.”

   While the Committee agrees and the practitioner has agreed in the “Agreed Statement of Facts and Admissions” that the practice requires correction, this particular allegation based upon generalized percentage ratings is not defensible in its present form and wording and this allegation is therefore dismissed.

   PRB: “The Practitioner provided the Board with incomplete plan corrections even when the deficiencies were originally stated in the Systematic Practice Review Report (Part 30).”

   Notice of Hearing: “You provided the Board with incomplete plan corrections even when the deficiencies were originally stated in the Systematic Practice Review for the Part 30 Right of Way Plan reviewed as part of the Review.”

   The Committee agrees and this allegation is supported by the “Agreed Statement of Facts and Admissions.” The Committee finds the time frame and apparent hesitancy to deal with required corrections by Mr. Chaudy to be detrimental to the best interest of the public and the profession and therefore finds that this allegation represents both unskilled practice and unprofessional conduct.

   PRB: “The Practitioner appears to be unable to address Section 44 of the Surveys Act (Part 30).”

   Notice of Hearing: “You appeared to be unable to address Section 44 of the Surveys Act in respect to issues arising from the Part 30 Right of Way Plan reviewed in the external audit as part of the Review.”

   The Committee notes that the situation has now been resolved in conjunction with the Director of Surveys and other involved practitioners. It is therefore found that, at least part of this allegation is not defensible or proven and it is therefore dismissed.

   PRB: “The Practitioner demonstrated poor evidence searching and assessment techniques.”

   Notice of Hearing: “You demonstrated poor evidence searching and assessment techniques and a failure to require proper evidence searching and assessment techniques from your staff.”

   The Committee agrees and the practitioner has agreed in the “Agreed Statement of Facts and Admissions” that this allegation is well founded. The Committee finds that the Mr. Chaudy is thereby guilty of unskilled practice.

   PRB: “The practitioner missed double monumentation and does not appear to have skills to resolve issue.”

   Notice of Hearing: “You missed double monumentation and did not appear to have skills to resolve issues raised by this double monumentation in relation to the Part 31 Monument Plan reviewed in the external audit as part of the Review.”

   While the Committee agrees that failing to locate double monumentation represents a very serious potential for boundary uncertainty and a point of potential confusion to owners of land, this allegation is two-fold in speaking to the act of missing existing monumentation which unquestionably occurred but also contains allegations respecting Mr. Chaudy’s ability to deal with the issue. The Committee feels that failing to locate double monumentation in general may not necessarily constitute unskilled practice in all circumstances without more supporting information. The Committee notes that the situation has now been resolved in conjunction with the Director of Surveys and other involved practitioners. It is therefore found that, at least part of this allegation is not defensible or proven and it is therefore dismissed.

   PRB: “The practitioner made reference to NE 31 and N ¼ 31 rather than providing any corrections to Plan (Part 31).”

   Notice of Hearing: “In discussions with the Practice Review Board you made reference to NE 31 and the N ¼ 31 rather than providing any corrections to the Part 31 Monument Plan that was reviewed.”
The Committee is unsure of the exact context of this allegation as the plan has now been corrected or seemingly satisfactory explanation provided. The Committee remains concerned with the timelines required to respond and to the apparent lack of regard for the concerns of the PRB but find that this allegation is not in, itself, representative of unskilled practice. This allegation is therefore dismissed. Mr. Chaudy should have been more forthright and definitive in communicating to the Practice Review Board whether or not be agreed with the need for plan corrections and if so, more prompt in execution of said corrections.

PRB: “The practitioner demonstrated poor product evaluations, in particular Part 31 (monument plan).”

Notice of Hearing: “You demonstrated poor product evaluations in reviewing work done by your staff, in particularly in relation to the Part 31 Monument Plan.”

The Committee agrees and the practitioner has agreed in the “Agreed Statement of Facts and Admissions” that the product evaluations along with other parts or components of the practice require serious attention and amendment. The Committee therefore finds this allegation appropriate and that it constitutes unskilled practice by David Chaudy.

2. Respecting the Practice Review Board allegation of unprofessional conduct:

PRB: “The Board alleges that the practitioner is guilty of contravening the Land Surveyors Act, Sections 3(3) and 3(4).”

Notice of Hearing: “The Practice Review Board alleges that the you are guilty of contravening the Land Surveyors Act, Sections 3(3) and 3(4) by:

i. failing to ensure that everything done in the practice of land surveying in your firm was done by or under your supervision, direction and control;

ii. and by signing plans or documents in the practice of land surveying that were not prepared by you or under your direct supervision, direction and control;”

The Committee commends Mr. Chaudy for openly and freely admitting his shortcomings with respect to this allegation and for his undertakings provided to correct this situation. That admission and commendation, however, does not diminish the seriousness of not having direct and personal control of one’s professional practice. The public deserves the professional representation contemplated and demanded by the Land Surveyors Act and specifically by Sections 3(3) and 3(4). The Committee is disappointed at the number of instances where this personal control and attention has not taken place and therefore finds that this allegation is warranted and that it constitutes unprofessional conduct by Mr. Chaudy.

PRB: “The Board directed the practitioner to attend the Getting it Right, Field Notes and GPS seminars. The practitioner, himself, did not attend any of these seminars.”

Notice of Hearing: “In the previous Systematic Practice Review the Board directed you to attend the Getting It Right, Field Notes, and GPS seminars but you did not personally attend any of these seminars.”

Ignoring an Order or Direction from one’s Professional Association, particularly a statutory body of the Alberta Land Surveyors’ Association, in this instance, the Practice Review Board is serious and unacceptable, particularly where the results of the Order are intended to assist the practice and protect the public. The Committee finds Mr. Chaudy guilty of unprofessional conduct as a result and for these reasons.

PRB: “The practitioner also admitted to the Part 33 wellsite leaving his office with his signature on it; however he did not personally review the plan. The Board also found that the practitioner has no control over policies in place for the use of his electronic signature within the practice.”

Notice of Hearing: “The Practice Review Board also alleges that the information you provided to the Board showed that you had no control over policies in place for the use of your electronic signature within the practice.”

The Committee agrees and Mr. Chaudy has agreed in the “Agreed Statement of Facts and Admissions” that instances of this allegation had taken place. This is also consistent with the findings above respecting Sections 3(3) and 3(4) of the Land Surveyors Act. The Committee therefore finds that Mr. Chaudy is guilty in this respect of unprofessional conduct.

PRB and Notice of Hearing: “After reviewing the transcript from the hearing, the Board felt that the practitioner showed a lack of personal supervision, direction and control of the practice.”

The Committee agrees but finds this allegation is considered by the Committee to be repetitive considering the practitioner’s open admissions and the other findings of the Committee contained herein. Because it is felt that repeating prior findings will not serve the public, the practitioner or the Association, this allegation, while valid, is dismissed as it is already dealt with.

PRB: “It was also believed by the Board that correspondence in the PRB’s review may not have been authorized by the practitioner, himself, and plan corrections appear to have been made without his knowledge or supervision.”

Notice of Hearing: “The Practice Review Board believes that correspondence in the Practice Review Board’s review may not have been authorized by you and plan corrections appear to have been made without your knowledge or supervision.”

While the Committee agrees and the practitioner has agreed in the “Agreed Statement of Facts and Admissions” that there have been instances of lack of direct supervision, this allegation is all-encompassing respecting correspondence throughout the SPR file. The Committee is, in addition, unwilling to ascertain guilt or unprofessional conduct based upon “appearance.” The Committee believes that Land Titles would not
have corrected plans without signed authorization or request from the Land Surveyor. As there is contradiction in terms and, in the eyes of the Committee, inconclusive proof, this allegation is dismissed. The reality of unauthorized work being done in the name of the practitioner is dealt with in other allegations and within the ensuing Order of the Committee.

**PRB:** “The practitioner appears to have no contact with his clients.”

**Notice of Hearing:** “You appear to have no contact with your clients.”

The practitioner has agreed in the “Agreed Statement of Facts and Admissions” and in his testimony to the Committee that there could have and should have been more direct contact with himself.

The Committee finds it unreasonable to suggest or conclude that he has had “no contact” and therefore this allegation is dismissed. The practitioner has undertaken to increase his level of contact and communication with his clients. The Committee has elected to deal with this issue and the related ensuing issues based upon David Chaudy’s admissions in the “Agreed Statement of Facts and Admissions” as opposed to the wording in the complaint letter or Notice of Hearing.

**PRB:** “The practitioner did not review/create job set-ups for his crews.”

**Notice of Hearing:** “You did not review/create job set-ups for your crews.”

The Committee accepts the Practitioner’s explanation that this allegation may have occurred but not as a regular course of business. It is therefore not deemed reasonable to find the practitioner guilty of unprofessional conduct without more specific circumstances being detailed and proven. The Committee finds some solace in the practitioner’s undertakings to correct this recognized deficiency and subject to the terms within the ensuing Order, dismisses this specific allegation in its present wording.

**PRB:** “The practitioner did not provide any instructions for his field crew workers.”

**Notice of Hearing:** “You did not provide any instructions for your field crew workers.”

Without specific allegations, it is unreasonable to believe that this never occurred. The Committee dismisses this allegation for this reason and also in light of the Mr. Chaudy’s undertakings for practice improvements.

**PRB:** “The practitioner did not communicate with field crews.”

**Notice of Hearing:** “You did not communicate with field crews.”

Without specific allegations, it is unreasonable to believe that this never occurred. The Committee dismisses this allegation for this reason and also in light of the practitioner’s undertakings for practice improvements.

**PRB:** “The practitioner only did minimal plan checking.”

**Notice of Hearing:** “You did minimal plan checking.”

The entire file, the testimony, the products or plans reviewed and the “Agreed Statement of Facts and Admissions” support this allegation. Should the practitioner have demonstrated inability to conduct this plan checking, it would have constituted unskilled practice. Under the circumstances, the Committee concludes that the practitioner elected not to conduct reasonable professional checks of the plans and Mr. Chaudy is therefore found guilty of unprofessional conduct in respect of this allegation.

**PRB:** “The Board has concerns regarding the practitioner’s integrity. He provided ambiguous; deceptive and evasive answers as well as contradicted himself throughout the entire hearing.”

**Notice of Hearing:** “The Practice Review Board has concerns regarding your integrity because it believes that you provided ambiguous; deceptive and evasive answers as well as contradicted yourself throughout the entire hearing that you had with the Board.”

The “Agreed Statement of Facts and Admissions” which has been accepted by the Committee and speaks directly to removal of the allegation respecting the inference to the practitioner’s integrity. The Committee has lingering concerns with respect to the practitioner’s responses throughout a very long and arduous process of Systematic Practice Review and also with respect to contradictions in testimony and responses. It is however inconclusive as to whether the cause of this was intentionally evasive or deceptive. The practitioner’s undertakings were open and succinct with respect to proposed improvements to the practice. The Committee feels that any lingering doubts will be adequately addressed in the ensuing Order. For these reasons, this allegation is dismissed.

3. Referencing the said Agreed Statement of Facts and Admissions (the Statement), the Committee also finds as follows:

Respecting the Clause 53(b) in the Statement, while the Committee dismissed the distinct and individual allegations relating to these issues in the complaint letter due to the rigidity of the wording which would have implied that the allegation applied throughout all aspects of the practice and all files or projects, the Committee does find David Chaudy guilty of unprofessional conduct in respect his specific admissions in 53(b) of the Statement of Agreed Facts and Admissions.

**Order of the Discipline Committee**

We, the Discipline Committee of the Alberta Land Surveyors’ Association, upon finding David Chaudy, ALS, guilty of both unskilled practice and unprofessional conduct pursuant to the Land Surveyors Act and further in consideration of the voluntary expressed intent to improve the practice, hereby order as follows:

1. That David Chaudy be sent a letter of reprimand by the Discipline Committee.

2. A fine for the offences of unskilled practice and unprofessional conduct as per the findings of the Discipline Committee in the amount of $4,000 is to be paid to the Alberta Land Surveyors’ Association by David Chaudy within 45 days of this Order.

3. David Chaudy is to pay the following costs:
a. 100% of the cost of legal fees, court reporter and expenses incurred by the Alberta Land Surveyors’ Association Discipline Committee hearing in the amount calculated in accordance with the Discipline Regulation pursuant to the Land Surveyors Act. This cost shall include the charges and expenses of the Registrar relating to this Hearing. The cost of the formal Hearing of the Practice Review Board is specifically excluded from this cost calculation. The costs, as indicated previously, come to a final amount of $18,510.04.
b. That these costs be paid in full within 45 days of the date of this Order to the Alberta Land Surveyors’ Association.
4. That David Chaudy shall provide detailed undertakings satisfactory to the Practice Review Board as a continuation of Systematic Practice Review File SPR 39.3, which shall detail any and all remedial measures to be undertaken to correct the shortcomings for which Mr. Chaudy was herein found guilty and for all other shortcomings identified by the Practice Review Board both now and on follow-up or future reviews. It is left to the complete discretion of the Practice Review Board to determine how and when the review of David Chaudy is to be deemed complete or acceptable, if at all. The Discipline Committee encourages the Practice Review Board to initiate an early follow-up review to ascertain that remedial measures have not only been implemented but also that such measures are determined by the Board to be successful and properly protective of the Public. It is also suggested to the Practice Review Board that this determination should not be coincident with a date later than nine months from the date of this Order of the Discipline Committee. The Discipline Committee respectfully suggests to the Practice Review Board that future follow-up and review of Mr. Chaudy and his practice may include encouragement or an order for his participation in ALSA affairs and committees.
5. That David Chaudy prepare and deliver a detailed monthly written report to the Practice Review Board or its designate, documenting:
a. The amount and type of work being undertaken;
b. The details of remedial measures that have been implemented and the perceived results of the remedial measures; and,
c. A detailed summary of participation by David Chaudy in ALSA events, functions, committees and educational initiatives.
6. That David Chaudy immediately refrain and desist from allowing non-professional staff to exercise improper direction and control of the professional practice of surveying and the use of his digital signature in this regard.
7. That these findings, reasons and order are to be published in ALS News.
8. That the letter of reprimand is to be published in ALS News.

Allan W. Nelson, ALS
Vice Chair, on behalf of
Alberta Land Surveyors’ Association
Discipline Committee

Letter of Reprimand
Findings of the Discipline Committee respecting complaint by the Practice Review Board of the Alberta Land Surveyors’ Association

In accordance with the decision of the Discipline Committee, this letter is intended to fulfill part of the Order of the Discipline Committee, constituting a formal letter of reprimand.

During the course of your dealing with the Practice Review Board it was found that you demonstrated both Unprofessional Conduct and Unskilled Practice in the running of your practice. The Discipline Committee of your peers finds your failure to uphold the principles and standards of the profession of Land Surveying to be detrimental to the interests of the public and to the interests of all Land Surveyors. Your seeming disregard for the many good suggestions and requests from the Practice Review Board and your tardiness in dealing with errors and significant deficiencies in your practice are not representative of what should be expected of a professional.

The very essence of our profession being open to public scrutiny is manifested in Public Members appointed by the Legislature to both our Council and our Practice Review Board. That said, your conduct and deficiencies, having been witnessed first hand by our Statutory Body (Practice Review Board) including our Public Member, does not reflect well on our profession and is not consistent with Land Surveyors’ collective commitment to the greater public interest.

Your undertaking to correct the deficiencies in your practice is the fine line between continuing to practice and losing the right to offer professional services to the public and needs to be taken very seriously by you. The Discipline Committee encourages you to take definitive action on your required corrective measures and to demonstrate proactively to the PRB that you deserve the right to continue to practice.

The time and expense involved in the long-drawn-out process through Systematic Practice Review has been a completely unnecessary burden on the PRB and on the Association as a direct result of your actions and inactions. To have it culminate in additional statutory processes of Discipline is nothing short of embarrassing. Needless to say, failure to correct the practice and the potential for similar findings in the future would be taken very seriously. I am sure that after this arduous process, you appreciate that the PRB and your peers may be less patient with waiting for remedial measures to be implemented.

The expectations of your peers and the public are much higher than you have demonstrated to date and we trust that you will govern yourself and your practice accordingly from here on.

Sincerely,

Allan W. Nelson, ALS
Vice Chair on behalf of
Alberta Land Surveyors’ Association
Discipline Committee
Findings, Reasons and Order of the Discipline Committee
dated May 7, 2008

The following represents the findings, reasons and order of the Discipline Committee respecting a hearing of January 14 and 15, 2008 regarding a complaint by the Practice Review Board concerning Mr. Bernie Rachansky, ALS.

The matter arose from a complaint letter dated May 18, 2007 by the Practice Review Board (“PRB”). The matter was referred to a hearing and there were two allegations which were the subject matter of the hearing. These are outlined in the Notice of Hearing dated October 15, 2007 (Exhibit 1) as follows:

Allegation 1
It is alleged that despite Phase 1 and Phase 2 systematic practice reviews dating from September 1994, including:
(a) a follow-up review in Phase 1;
(b) three follow-up reviews in Phase 2;
(c) a requested hearing with the PRB in Phase 2 on August 9, 2000;
(d) a voluntary meeting with the PRB in the second Phase 2 follow-up on December 11, 2002; and
(e) a Board Order issued December 16, 2002 to you dated resulting from the meeting on December 11, 2002; the results of a Phase 3 review # 025.3 continue to indicate that you have breached Sections 44, 45 and 46 of the Surveys Act on a number of products and that you are not complying with the Board Order of December 16, 2002.

Particulars of the concerns found in the Phase 3 external audit include the following:
In the Phase 3 review of your practice commenced November 1, 2005 and numbered # 025.3, five products were reviewed. Findings in the review of these products indicated the following:
Part 30 — Subdivision Plan 0524471
• additional evidence was readily found that would aid in the re-establishment of the NE 18;
• field notes are hard to follow and lack detail with respect to description of evidence found, the extent of investigation, redundancy of measurements and checks;
• the NE 18 was not re-established;
• the survey was not integrated in accordance with the Manual of Standard Practice;
• bearings were not “grid bearings;”
• dimensions shown did not agree with previous surveys within acceptable tolerances.

Part 31 - Subdivision Plan 0523601
• field notes lack detail with respect to describing evidence found, redundancy in measurements and checks;
• measurements do not agree with previous surveys within acceptable tolerances.

Part 32 — Real Property Report Lot 19A, Blk 3, Plan 1835 RS
• eaves not shown;
• lack of detail in field notes with respect to describing evidence found, redundancy of measurements and checks.

Part 33 — Subdivision Plan (unregistered)
• governing evidence not found;
• no sign of digging where evidence was shown as “not found;”
• lack of marker posts used;
• field notes lacking, hard to follow with respect to complete description of evidence found, extent of investigation, redundancy of measurements and checks;
• governing evidence not used in accordance with Surveys Act;
• NW corner of Blk. 1 was not re-established;
• measurements do not agree with previous surveys within acceptable tolerances.

Part 34 — Real Property Report — Lot 1, Blk. 1 Plan 6531 KS
• evidence was found that should have been used;
• features found that are not shown on RPR;
• lack of detail in field notes with respect to description of evidence found, extent of investigation, redundancy of measurements and checks.

It is alleged that despite Systematic Practice Reviews on your practice, follow-up reviews, time consuming hearings, the PRB order and correspondence asking for more detailed responses, the results of Phase 3 # 025.3 do not show any improvement in your products in general and show continued breaches of the requirements of the Surveys Act, the Manual of Standard Practice and the PRB Order.

It is alleged that this conduct and the Phase 3 results show both unskilled practice of surveying and unprofessional conduct.

Allegation 2
It is alleged that your responses to the directives, questions, undertakings and Board Order in the Phase 1, Phase 2, and Phase 3 systematic practice reviews including the follow-up reviews and hearings referred to above, your conduct shows that you are not prepared to improve the way you practice land surveying or remedy the deficiencies communicated to you by the Director of Practice Review and the PRB.

Particulars of this allegation include the following drawn from the minutes of the PRB:
[Sections (a) to (s) omitted—see below]
It is alleged that the conduct set out in this allegation constitutes "unprofessional practice of surveying" and discloses a breach of Section 3 of the Professional Practice Regulation (A/R 327/82) and therefore constitutes unprofessional conduct and unskilled practice of surveying.

As noted above, Allegation 2 lists 19 subsections [from (a) to (s)]. These are found at pages 3 to 10 of the October 15, 2007 Notice of Hearing (Exhibit 1). Due to the length of the subsections, they have not been reproduced in this decision. However, the subsections have been carefully reviewed by the Discipline Committee and have been considered in the decision reached by the Discipline Committee.
Nine exhibits were entered into evidence, as follows:

1. Notice of Hearing;
2. Documents regarding procedures prior to hearing;
3. All Board Motions with respect to this practitioner since September 14, 1994;
4. Materials dealing with Systematic Practice Review 3;
5. Materials dealing with Systematic Practice Review 2;
6. Case Study no. 16: Boundary Conflict;
7. Phase 2 framework document;
8. Phase 3 framework document and attached materials;

The Association called four witnesses: Blaine Benson, ALS; Don George, ALS; Lyall Pratt, ALS, and Russell Barnes.

The Member also gave evidence on his own behalf, and was cross-examined by Mr. Jardine and questioned by the Discipline Committee.

Blaine Benson, ALS gave evidence on behalf of the ALSA. He has been a member of the PRB since April 2004 and Chair of the PRB since April 2007. Mr. Benson confirmed that the PRB filed a complaint against the Member. Mr. Benson reviewed the chronology and indicated that there had been a Phase 1 review and follow-up, a Phase 2 review, three follow-up reviews to Phase 2 and then the Phase 3 review. Mr. Benson indicated that this was unprecedented, that no other practitioner had had three follow-up reviews.

Mr. Benson confirmed that following the responses received to the Phase 3 report, the PRB decided that a hearing was required. The hearing was called on October 4, 2006. A transcript of the hearing is found at Exhibit 4, Tab 3. The PRB was aware prior to holding the hearing that this was a Phase 3 initial review but was in fact the seventh review for the practitioner dating back to his Phase 1 review. Mr. Benson gave evidence of the dealings the PRB had with the Member. Mr. Benson reviewed the minutes and PRB motions found at Exhibit 3. Mr. Benson's evidence was that the practice review process was to be educational in nature, not punitive or disciplinary. His evidence was that during the hearing on October 4, 2006, the thought of a monitor was presented to the Member, who indicated that that would not be of any assistance.

At a meeting on May 16, 2007, the PRB decided to refer the matter to the Discipline Committee. Mr. Benson's evidence was that the PRB felt that every opportunity had been provided to the Member to make the changes that the PRB felt were necessary to improve the Member's practice, that improvements were not going to be made and that the PRB felt that the only option available to it was to refer the matter to discipline. In response to a question from a member of the Discipline Committee, Mr. Benson confirmed that he felt that the PRB had exhausted all of the means available to it to change the practice of the Member. His evidence was that the responses from the Member were generally not timely and often not satisfactory.

Don George, ALS gave evidence on behalf of the ALSA. He is currently the Acting Director of Practice Review. He has been employed with ALSA for 14 years and has been a member of the ALSA for approximately 32½ years. He has been involved in all three phases of the Systematic Practice Review for the Member. Prior to becoming the Acting Director, his role was to assist the Director with the reviews. He was the person who performed the field inspections/external audits. His evidence was that 22 products were reviewed for the Member over the course of the three phases of practice Review and that of these 22 products, 20 of them were field inspected. That was an unusually high number of products to review for a single practitioner.

Mr. George reviewed Exhibit 4, Tab 1 and in particular, he gave detailed evidence with respect to his findings during the external audit. Mr. George had major concerns encountered in this phase of the review which included adherence with the legislation, not utilizing sufficient evidence, inadequate ties to survey controls, inadequate field notes, and lack of redundancies and checks. Mr. George's evidence was that similar issues were encountered in Phases 1 and 2. Mr. George noted that there was some improvement seen in the format of the Real Property Report. However, there were still deficiencies in the governing evidence, in the field notes with respect to describing evidence and in the lack of redundancies or checks recorded in the notes. Mr. George's evidence was that it was clear to the Member that these were issues for the PRB and that he was requested to take steps to improve his practice. Mr. George's evidence was that he does not think that the PRB could have done anything more to try to assist the Member.

Lyall Pratt, ALS gave evidence on behalf of the ALSA. He has been a member of the ALSA for 25 years. Mr. Pratt was the Director of Practice Review from September 2, 1997 to December 31, 2005. He was the Director of Practice Review for the entire Phase 2 review and the three follow-ups for Phase 2 for this Member. He commended the Phase 3 review, selected the products and did the internal review for Phase 3. Mr. Pratt gave evidence about the internal audit process. Mr. Pratt indicated that there were four major issues that stood out for him with respect to the Member's practice. The first was procrastination on the part of the Member. Mr. Pratt indicated that the Member would often ask for an extension in providing a response and sometimes requested two or three extensions. In fact at one point, Mr. Pratt was told that as Director of Practice Review, he could only grant one extension and any more had to be approved by the PRB. He also noted that in general, the responses he received from the Member evaded the question posed. The second issue was with respect to discipline. Mr. Pratt's evidence was that the Member understood what evidence governed the boundary. There was also an issue with compliance with the requirements of the Manual of Standard Practice. Mr. Pratt noted that this issue arose in various reviews. Finally there was an issue with the Member's field notes. There was an improvement at one point in time when the Member was not doing the notes himself.

Mr. Pratt's evidence was that the Member was polite and accommodating in terms of scheduling reviews. Mr. Pratt indicated that Practice Review is by its nature educational. Mr. Pratt's
views was that he did not understand whether in the Member’s case it was a lack of knowledge or unwillingness to comply. In response to questions in cross-examination, Mr. Pratt agreed that there was some improvement in the Member’s scores over the phases of his Practice Review. However, Mr. Pratt indicated that if you look at the averages, there was a general improvement of the membership for Phase 2 during the same time period. In response to questions from the Discipline Committee, Mr. Pratt indicated that, as the Director of Practice Review, he did not know what other avenues could have been used to improve the Member’s practice through the Practice Review Process.

Russell Barnes gave evidence on behalf of the ALSA. He was the Public Member of the PRB from April 2003 to November 2007. He has past experience working with surveyors’ products through his employment with the City of Red Deer from 1965 to 1967 and through his employment with the Province of Alberta from 1967 until his retirement in 2001. Mr. Barnes’ evidence was that, from his perspective, the PRB decided it was necessary to have the formal hearing in October 2006 because generally, there was a history of non-cooperation, late responses, and failure to follow legislation requirements. Mr. Barnes also gave evidence that the Practice Review is an educational process. Mr. Barnes indicated that as the Public Member of the PRB, his perspective was that the public relies on the professional for precise measurements and exact locations. He stated that from the public point of view, it was unacceptable to have the type of practice that the Member had and that the public is looking for 100% accuracy from a surveyor.

The Member gave evidence on his own behalf. He has been an ALS and involved with his company Alberta Surveying Services since 1966. He indicated he is the only surveyor in the company. He indicated that he currently generates between approximately 6 to 12 products monthly. He believed his practice is about 40% Real Property Reports and that the majority of his products are small subdivisions. His evidence was that he has contacted the Director of Practice Review in the past and that he would anticipate that he would do so in the future if he had questions. He indicated that he has read the Manual of Standard Practice approximately a year ago and that he now refers to the legislation and the Manual of Standard Practice more frequently. He stated that he believes that he makes better field notes now than he did previously, he uses a clipboard instead of the small notebook, he uses a standardized form and that he is probably making more checks. He indicated he believes his practice has improved. The Member reviewed the comments made at Exhibit 4, Tab 4(G) by Mr. Cheng, Director of Practice Review.

The Member was cross-examined about why there were still problems with finding governing evidence which was an issue in the Phase 1 review, the follow-up reviews and still in the Phase 3 review. The Member’s response was that governing evidence may not always be available. He indicated that what he had learned was to try to use governing evidence wherever it occurs. In cross-examination, the Member was referred to Exhibit 5, Tab 3(D), which was his letter dated January 24, 2003. He indicated that he thought maybe the wrong products were being reviewed as he tried to use governing evidence all the time. He was unable to provide a response about what he learned since 2003 about governing evidence. In response to questions as to why in the third follow-up in Phase 2 and in Phase 3, there were the same kind of problems being encountered about not locating sufficient evidence to define the boundary in accordance with the legislation, the Member stated that maybe the evidence was not available. With respect to the field notes and the reason why no notations were done, the Member was asked whether he was not recording some of the checks and redundancies he did or whether he was not doing them. The Member’s response was that there were probably a lot of checks done that were not noted. In response to how the Member had improved his practice, the Member responded that he would probably now plant posts inside the highway right of way, and that with respect to a corner on a blind line, he would run that through and see whether it was on-line. With respect to being late in providing responses, the Member indicated that the only time he did not respond by a final deadline was after the last hearing when he requested an extension beyond March 2007, which was denied (Exhibit 4, Tab 3(E)). The Member indicated that he may not have viewed the Practice Review as important. He stated he did not know what more the PRB could have done to make clear to him that these issues were important.

Findings of Fact
1. Bernie Rachansky has been a member in good standing of the ALSA since June 5, 1961.
3. A follow-up review was required in Phase 1 and was completed in 1997.
4. A Phase 2 review was carried out in early 2000 and the report was sent to Mr. Rachansky in February 2000. Three extensions were granted, at the request of Mr. Rachansky, for a response from the practitioner. The results of the response, when finally received, were disappointing and a formal hearing with the PRB was scheduled for August 9, 2000.
5. A Board directive was issued on September 13, 2000 requiring that certain actions happen by November 6, 2000 and that a follow-up review was to be scheduled before June 2001.
6. As a result of numerous deficiencies and concerns detected during the follow-up review a second follow-up review was scheduled before the end of June 2002.
7. A Board Order was issued on December 16, 2002 after the results of the second follow-up review were discussed at a PRB meeting of December 11, 2002
8. At the meeting of December 11, 2002 it was decided that a third follow-up review would be scheduled within 10 months to assess compliance with the Board Order.
9. Mr. Rachansky was requested to sign and return a copy of the letter acknowledging the Order by January 15, 2003. The signed Order was not received by the deadline.
10. The third follow-up review was reviewed at a meeting in August 2004 of the PRB which Mr. Rachansky
During all reviews and follow-ups, Mr. Rachansky was cooperative during the review process.

12. The Phase 3 review was completed with a deadline to respond to the report of May 15, 2006. Mr. Rachansky did not respond by the deadline. The response was received by fax at the PRB meeting of May 24, 2006.

13. The response was considered at the June 21, 2006 PRB meeting where a supplemental response was requested for August 2006.

14. The PRB after reviewing the responses at their meeting of August 9, 2006 decided that a formal hearing to discuss the issues with Mr. Rachansky would be held on October 4, 2006.

15. A formal hearing was completed on October 4, 2006.

16. Mr. Rachansky during the formal hearing of October 4, 2006 gave the indication that he felt that appointing a monitor would be a waste of time.

17. At the PRB meeting of November 8, 2006 further action and response was requested from Mr. Rachansky with a deadline for response of January 2, 2007.

18. At the February 7, 2007 meeting of the PRB, the partial response received on January 26, 2007 was reviewed and an extension for a response was granted to March 31, 2007.

19. At the May 16, 2007 meeting of the PRB it was decided that all avenues had been tried in attempting to improve the practice and this matter had to finally be sent to the Discipline Process.

20. Mr. Rachansky did attend a Getting it Right Seminar.

21. Mr. Rachansky was cooperative during the review and follow-up review process.

22. During all reviews and follow-up reviews there were repeated and continuous issues that field notes were not representative of the field survey, that governing evidence was not used to complete the surveys and that redundancies in measurement were not carried out. There were no improvements in these areas to the practice even in the last five products reviewed in the Phase 3 review.

23. Although Mr. Rachansky's Practice Review scores did improve slightly during the Practice Review process so did the scores of most practitioners improve over the same period. Mr. Rachansky's scores remained well below the average of the rest of practitioner's.

**Findings of the Discipline Committee**

**Allegation 1**

With respect to the first allegation, the Discipline Committee finds that the elements of the allegation have been met. The evidence of Mr. Benson, Mr. George, Mr. Pratt and Mr. Barnes was that there was no significant improvement in general to the Member's practice and specifically with respect to the Phase 3 review. The Discipline Committee placed particular emphasis on the evidence of Mr. George with respect to his findings on the external audit in Phase 3. There are serious and ongoing concerns with governing evidence, redundancies and checks and field notes. These issues are very serious and raise significant concerns for the Discipline Committee.

The Member's evidence did not convince the Discipline Committee that he has taken appropriate steps to correct these issues, at any level of the reviews and follow-ups or since the matter has been referred to a hearing. The Member does not appear to appreciate the importance of the issues raised with his practice. He has been given ample opportunity to improve his practice. He is either unwilling or unable to do so. The evidence shows a lack of skill or judgment on the part of the Member.

The Discipline Committee finds Bernie Rachansky, ALS guilty of the offence of unskilled practice of surveying pursuant to the Land Surveyors Act for the following reasons:

1A: Mr. Rachansky did not use proper governing monumentation for his surveys.

1B: Mr. Rachansky did not carry out sufficient field searches for the governing evidence for his surveys.

1C: Mr. Rachansky did not show the content of his field surveys accurately on his field notes.

1D: Mr. Rachansky displayed an ongoing and continuing lack of redundancies and checks in his field notes and surveys.

1E: Mr. Rachansky did not prepare his plans according to the Manual of Standard Practice, the Surveys Act, The Land Titles Procedures Manual and The PRB Directives.

Pursuant to Section 35 of the Land Surveyors Act, the Discipline Committee finds that the conduct of the Member is detrimental to the best interests of the public, harms or tends to harm the standing of the profession of surveying generally, and displays a lack of knowledge of or lack of skill or judgment in the practice of surveying and constitutes unskilled practice of surveying.

**Allegation 2**

With respect to the second allegation, the Discipline Committee finds that the elements of the charge have been proven. The evidence is that the responses of the Member to the review process, including the three phases of review, did not respond to the concerns raised by the PRB. The evidence is that the Member did not improve his conduct or make serious attempts to improve his conduct.

The Discipline Committee considered the evidence of all the witnesses and the exhibits, and placed particular emphasis on the evidence of Mr. Pratt, who dealt directly and personally with the Member on several occasions. The Discipline Committee accepted Mr. Pratt's evidence with respect to the issue of procrastination and that the Member's responses were often not adequate and evaded the questions posed. The Discipline Committee also placed significant weight on the Board motions (Exhibit 3) and on Mr. Benson's evidence with respect to the Board motions.

The Discipline Committee finds that the Member's evidence at this hearing still did not indicate that the Member is prepared to take the significant steps required to improve his practice.
The Discipline Committee finds Bernie Rachansky, A.L.S guilty of the offence of unprofessional conduct pursuant to the Land Surveyors Act for the following reasons:

2A: Mr. Rachansky did not respond in a professional format or manner and did not respond adequately to repeated requests of the PRB.

2B: On several occasions, Mr. Rachansky let deadlines pass and repeatedly required extensions of deadlines. His inadequate and deficient responses were submitted at the last moment.

2C: Mr. Rachansky did not substantiate his reasons for not fully completing his responses to the Practice Review Reports.

2D: Mr. Rachansky did not substantiate his reasons for not complying with the Manual of Standard Practice, The Land Titles Procedures Manual, or the Surveys Act.

Section 3 of the Professional Practice Regulation, A.R. 327/82 states that: “Every practitioner shall respond to correspondence requiring a reply within a reasonable time of receiving it.” The Member’s conduct with respect to this allegation was contrary to section 3 of the Professional Practice Regulation and section 35 of the Land Surveyors Act, in that it harmed or tended to harm the standing of the profession of surveying generally.

The Discipline Committee views the findings on the two allegations to be extremely serious. The nature of the conduct is a repeated and continuous failure to adhere to the proper standards for the profession of surveying. The PRB has attempted on numerous occasions and over a significant period of time to improve the Member’s practice. No significant improvement has been made by the Member despite repeated requests, review, hearings and PRB orders.

**Order of the Discipline Committee**

We, the Discipline Committee of the Alberta Land Surveyors’ Association, upon finding Bernie Rachansky, A.L.S guilty of both unskilled practice and unprofessional conduct pursuant to the Land Surveyors Act hereby order as follows:

1. That Bernie Rachansky be sent a letter of reprimand by the Discipline Committee.
2. That a fine for the offences of unskilled practice and unprofessional conduct as per the findings of the Discipline Committee in the amount of $2,000.00 is to be paid to the Alberta Land Surveyors’ Association by Bernie Rachansky within 60 days of the date of this Order.
3. That Bernie Rachansky is hereby suspended as an active member of the Alberta Land Surveyors Association for a period of 12 months from June 15, 2008 until May 31, 2009. Prior to Mr. Rachansky being reinstated as an active member of the Alberta Land Surveyors’ Association he must comply with the requirements of the Registration Committee to prove that he has amended his ways and is again competent to practice as an Alberta Land Surveyor. During this period of suspension Mr. Rachansky shall not carry on the practice of surveying or the practice of land surveying as defined in the Land Surveyors Act.
4. That Bernie Rachansky is to pay the following costs:
   a. The costs of legal fees, court reporter and expenses incurred by the Alberta Land Surveyors Association in preparing for and carrying out this two day discipline hearing. The costs as indicated previously come to a rounded down amount of $28,980.00.
   b. These costs shall be paid in full by June 1, 2009 by 12 equal monthly instalments. The payment of these costs shall be completed before any consideration for reinstatement is granted.
5. That Bernie Rachansky and Alberta Surveying Services Ltd. shall immediately upon receipt of this order cease to accept any new survey related work.
6. That the practice of Alberta Surveying Services Ltd. shall be closed by June 15, 2008 and that arrangements are to be made with another Land Surveyor or Surveyor’s Corporation to assume the existing workload and complete the same.
7. That once the period of suspension has been served and Mr. Rachansky has been reinstated he can no longer operate as a sole practitioner. He must practice with another Alberta Land Surveyor in good standing and cannot engage in the practice of Land Surveying until these arrangements are in place. Once these arrangements are in place and a period of 12 months has elapsed a further practice review by the Director of Practice Review and the Practice Review Board shall be commenced. This review must confirm that Mr. Rachansky’s practice as reviewed indicates an acceptable standard of practice.
8. That should the further review indicate non-compliance with this Order further disciplinary action could occur.
9. That this order be published in ALS News.

**Letter of Reprimand**

In accordance with the decision of the Discipline Committee, this letter is intended to fulfill part of the Order of the Discipline Committee, constituting a “formal letter of reprimand.”

During the course of your dealings with the Practice Review Board it was found that you demonstrated both unprofessional conduct and unskilled practice in the running of your practice. The Discipline Committee of your peers finds your failure to uphold the principles and standards of the profession of land surveying to be detrimental to the interests of the public and to the interests of all land surveyors. Your seeming disregard for the many good suggestions and requests from the Practice Review Board, Director of Practice Review and our Public Member, as well as your tardiness in dealing with errors and significant deficiencies in your practice, are not representative of what is expected of a professional Alberta Land Surveyor.

The very essence of our profession being open to public scrutiny is manifested in public members appointed by the Legislature to both our Council and our Practice Review Board. That said, your conduct and deficiencies, having been witnessed first hand by our statutory body (Practice Review Board) including our Public Member, does not reflect well
on our profession and is not consistent with the land surveyors’ collective commitment to the greater public interest. The time and expense involved in this long drawn-out process through many phases of Systematic Practice Reviews, follow-up reviews and formal PRB hearings has been a completely unnecessary burden on the PRB and on the Association as a direct result of your actions and inactions. To have it culminate in the additional statutory process of discipline is extremely disappointing.

Together with a 12-month suspension of practice, you have been given a significant fine together with the assessment of costs of the hearing which is a small portion of the monetary and time costs incurred by our Association in this matter. During the period of your suspension, the Discipline Committee encourages you to take substantial proactive action on necessary corrective measures and to positively meet the requirements of the Registration Committee showing that you deserve the right to continue to practice under the supervision of another Alberta Land Surveyor in good standing in the future.

We are sure, after going through this arduous process, you will appreciate that the PRB and your peers may be much less patient in waiting for remedial measures to be implemented in the future required Reviews.

The expectations of your peers and the public are substantially higher than you have demonstrated to date and we trust that you will govern yourself and any future practice accordingly from here on in.

Mr. Larry Pals, ALS, Vice-Chairman on behalf of Alberta Land Surveyors’ Association Discipline Committee

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**Question Time**

I have been asked by members of the Association why the published discipline case in ALS News didn’t reveal the member’s name. Is there anything more we can say publicly respecting the reason for withholding the member’s name.

The disciplinary provisions under the Land Surveyors Act give the Discipline Committee a broad range or power. When the Discipline Committee makes its decision and prepares an order, the practitioner has the right to appeal but neither the complainant nor the Council of the Association has a similar right to appeal.

According to Section 53 of the Land Surveyors Act, the Discipline Committee has the power to reprimand the investigated person, suspend the registration of the investigated person, impose conditions on the investigated person’s entitlement to engage in the practice of surveying, direct the investigated person to pass a particular course of study, cancel the registration of the investigated person, or any other order that it considers appropriate in the circumstances. The Discipline Committee also has the authority in accordance with Section 54 of the Act to impose the cost of the hearing, a penalty not exceeding $10,000 to the Association, or both.

The Act is silent on publication of the decision. There seems to be general agreement amongst the membership that publication of a Discipline Committee decision is a far greater penalty than any costs which may be assessed. However, sometimes, the Discipline Committee, in its discretion, may decide to publish the decision anonymously or even not at all. The Association has generally taken the position that decision should be published and the practitioner’s name should not be withheld. Nevertheless, sometimes there are sensitive or even private issues which arise during the course of the discipline hearing which cause the Discipline Committee to stop and consider whether full publication is in the best interest.

The Discipline Committee does a remarkable job. They must be aware of both statute law and case law and find that right balance between being fair to the practitioner and protecting the public’s interest. There is no such thing as a routine discipline hearing as each complaint has its own set of unique circumstances—circumstances which sometimes lead the Discipline Committee to decide to publish the decision anonymously.
University of Calgary

Cyrille Gernot receives the “Best Student Presentation Award”

Congratulations to Cyrille Gernot, PhD candidate, on receiving the “Best Student Presentation Award” at the European Navigation Conference 2008, Toulouse, 22-25 April for his paper on “Comparison of L1/C/A L2c Combined Acquisition Techniques,” which was co-authored by his supervisors, Professors K. O’Keefe and G. Lachapelle.

Dr. Chaminda Basnayake receives two General Motors awards

Congratulations to Dr. Chaminda Basnayake, who studied in the PLAN Group from 2001 to 2004 and received his doctorate from the University of Calgary under the supervision of Professor G. Lachapelle in 2004, joined General Motors R&D in 2005 as a senior research engineer where he continued his research activities in vehicular navigation and positioning research. His remarkable contributions at GM has resulted in two major awards, namely the 2006 Charles P. McCuen Award for contributions to the V2V technology R&D, and the 2007 OnStar President’s Award for successfully prototyping and demonstrating a sensor integration algorithm that replaces a critical navigation component with software and other existing sensors yielding a significant cost saving for GM. The Charles P. McCuen Award is the highest award offered by GM R&D.

ESS Teaching Excellence Award

ESS Teaching Excellence Award for Geomatics was awarded to Dr. Matthew Tait. He won by an overwhelming majority in a vote held amongst all fourth year students. These awards are given to one professor in each of the five departments based on excellence, enthusiasm and personality in teaching engineering students throughout their academic years.

ESS student excellence awards

Congratulations to our 4th year students in winning and getting nominated for three ESS student excellence awards. The awards were handed to the students during the grad banquet on March 8, 2009.

Winner of the Golden Geer Award - Brandon Ellis

This award goes to the student who most embodies the spirit of engineering, ie. demonstrating team work, attending engineering events and displaying outstanding enthusiasm for engineering.

Winner of the Student of the Year Award - Amanda Side

This award is given to a student in their final year, who exemplifies Engineering at the Schulich School of Engineering. The award is based on 30% academic achievement, 30% on extra-curricular activities, 30% on community service and 10% on sporting activities.

Nominee for the Donna Geekie Leadership Award - Coral Bliss Taylor

The winner of the Donna Geekie was Marielle Flottat from the Department of Chemical and Oil & Gas. This award is given to the person who exemplifies leadership within the Engineering community. Congratulations!

University of New Brunswick

GGE Student Wins Best Paper Award at International Conference

A UNB Geodesy and Geomatics Engineering Ph.D. student has won a best paper award at the Position Location and Navigation Symposium held in Monterey, California. Luis Serrano, mentored by GGE’s Prof. Richard Langley and Dr. Don Kim, received the honour for his paper entitled “Carrier-Phase Multipath Calibration in GPS-RTK Machine-Guidance Applications.”

Multipath is an interference effect which often limits the accuracy achievable in high-precision GPS applications such as machine control and research into ways to reduce its effect is critical for ensuring the reliability of GPS control in different environments.

The PLANS symposium, which is held every two years, was jointly sponsored by the Institute of Navigation and the Institute of Electrical and Electronics Engineers. More than 150 papers, in four parallel tracks, were presented over three days to the almost 500 GPS engineers and scientists from industry, academia, and government agencies in attendance. Mr. Serrano’s paper was considered by the organizers of the symposium to be the best in his track.

Mr. Serrano is completing his Ph.D. degree while working full-time as a GPS research engineer for Hexagon Group in Heerbrugg, Switzerland.

Thank you to the ALSA

The students of Geodesy & Geomatics Engineering at UNB would like to thank the ALSA for your donation of water bottles for our second annual “Geocache for Cash” event.

Students came out to Odell Park on March 29th and spent over three hours searching for each cache in knee-deep snow. The objective was to find as many of the caches as possible within the time limit. The winning team (Landon and Sarah, shown in photo with Brandon in blue shirt) finished in under two hours. The lucky winners left the event with a brand new Magellan GPS receiver and an iPod Nano. There were also runner-up prizes including gift certificates for a
local outdoor clothing store (2nd place), Leatherman and Gerber multi-tools (3rd place), hand-held compasses (4th place) and brandless knives (Swiss Army style). The weather was a little chilly and all participants finished with wet feet and legs but everyone claimed to have a good time.

Roberta E. Holtner

WaterMark Industries Donates Receivers to Communities in Brazil
GGE alumnus, Mark Doucette of Fredericton’s WaterMark Industries, has donated eight GPS receivers to be used by groups who will benefit from land reforms being initiated under the CIDA-funded National Geospatial Framework Project in Brazil. The receivers will be used by the Guarani Nation bands of Sapucai, Parati Mirim and Araponga, located in the municipality of Paraty in the southern part of the State of Rio de Janeiro and by the Quilombola community of Castainho, located in the municipality of Garanhuns, which lies 300 km west of Recife, capital of the State of Pernambuco. After the training, the GPS units will be left with these communities. The CIDA project is being administered by UNB with the assistance of WaterMark Industries.

2nd Annual Quilombola Workshop in Brazil
Members of the UNB Department of Geodesy and Geomatics Engineering travelled to Brazil this April to participate in the second annual Quilombola workshop as part of the National Geospatial Framework Project. UNB is managing the project and GGE’s own Dr. Marcelo Santos is the project head. The workshop will be used to further inform members of the Quilombola communities, which are ex-slave communities, on the potential impacts that the new Brazilian national datum will have on them and their communities.

Some of the focus will be on access to land title, benefits of title, social impacts and technical impacts. For more information on the project you can visit the project website at http://www.pign.org/ as well as some of our previous news stories, including “GGE Students Make a Difference in Brazil.”

Members of the department attending the workshop include: Dr. Sue Nichols; Dr. Marcelo Santos; Silvane Paixao, Ph.D. candidate; and Chris Fox, undergraduate student.
to get enough rest to continue the routine the next day and the day after that.

The ALS team started out as a novice team of paddlers in the first few days of the voyage and quickly progressed into an independent crew with the guidance of the seasoned paddlers from the brigade.

The first week of paddling also offered variety of river conditions and river vistas. A metre of river bank ice followed the brigade for the first two days, reminding us that a mere two weeks had only passed since the North Saskatchewan had experienced its annual “breakup.” The upper reaches of the river also offered some fast water and good practice in developing maneuvering skills—there was also many opportunities for scraping some paint off the keel with the odd encounter with a gravel bar.

The routine of river travel was quickly established with both the early to bed nights, early to rise mornings, and the morning bowl of porridge prepared by our support crew. Hats off to Floss Thomson, wife of Gordon Thomson, BCLS, and Delores DeMeyer, wife of Denny DeMeyer, PLS (Washington State Land Surveyor) for their unbridled efforts during the ALS team voyage.

Adding to the variety of paddling skills were sailing skills that included the design and assembly of a square rigging, as well as the actual use of sail itself. We also experienced the unique opportunity of sailing through a set of rapids.

The second week of paddling for the ALS team offered much tougher conditions with strong headwinds, and long days on the water. The team remained very thankful for our support crew, their great cooking, and their camp tear down, relocation and set up, each and every day. This gave the paddlers the luxury of collapsing at the end of each day with a cold beer and no worries.

Although the participation of the ALS team was brief in the overall David Thompson Brigade voyage, the team was integral to the overall spirit of the brigade with the bagpipes of John Haggerty, ALS being heard as the brigade made ceremonial landings at communities along the way, and the “musket” salute of Monroe that usually accompanied John’s piping.

Among the many memorable events along the way was the brigade’s landing at Elk Point with a “string of pearls” canoe formation and the pipes of the “surveyors” growing louder as the Brigade approached the landing point. David Thompson would be proud of the efforts of his modern-day counterparts.

Ken Johnson, Associate Member
Real Property

ADVERSE POSSESSION—Respondent was required to remove a new fence and restore it to its old location.

Application for an order requiring respondent to move a fence and damages. Applicants and respondent owned adjoining properties. Respondent acquired their home in 1990. Respondent acquired her home in 2002. There was a fence between the two properties, which had existed since the homes were built 80 years ago. Respondent’s property encroached into applicants’ driveway. Applicants had a right-of-way over one foot of respondent’s property. In 2006, respondent renovated her home and constructed an addition. In the process, she removed the old fence and replaced it with a new one erected on applicants’ right-of-way and not in its previous position.

APPLICATION ALLOWED. By virtue of the use of respondent’s property east of the old fence by applicants’ predecessors in title, applicants acquired adverse possession rights to respondent’s property. Alternatively, they acquired these rights by reason of their open notorious, continuous possession of these lands to the exclusion of respondent for more than 11 years. Respondent aggrandized matters by constructing a large gate in the fence permitting her access directly to applicants’ backyard. There were issues of nuisance and invasion of privacy. In addition to a declaration that applicants had a registered right-of-way in, over and along respondent’s land, applicants were awarded $7,500 damages on account of trespass, nuisance and invasion of privacy. Respondent was to replace the fence in same location as the one removed and to remove flagstones and a downspout.


ADVERSE POSSESSION—Appellant was unable to establish an intent to exclude the true owner of land sufficient to find adverse possession.

Appeal from the decision of the deputy director of land titles that respondent was the registered owner with absolute title to a block of land (“block A”). Respondent purchased vacant land in 1965, entered into a subdivision agreement and then registered a plan of subdivision. The lands to the north of block A were owned by the Bs. Respondent retained block A as inventory for the purpose of selling it when the Bs sold their land. Appellant purchased her property in 1975. Block A was immediately to the north. Both the real estate agent and vendor represented to appellant that they would be able to make use of block A. In 2005, respondent entered into an agreement of purchase and sale to sell block A. In 2006, respondent applied under subs. 46(2) of the Land Titles Act (Ont.) to be registered as owner with absolute title to block A. Appellant objected on the basis of adverse possession. The director dismissed the objection and accepted respondent’s application.

HELD: Appeal dismissed. Appellant had prolonged use of block A. However, she knew block A was not part of the property she and her husband had purchased. The fact that she believed she had “squatters” rights over the property did not give her colour of title. Appellant’s use of block A was not inconsistent with respondent’s intended use, which was to hold the land for future sale and development with the B’s land, and did not interfere with its eventual sale for that purpose. It was difficult to see how appellant’s use of the property excluded respondent from possession, where respondent’s intended use was to hold it as an investment. Respondent’s dealings with the land such as paying taxes, carrying it as inventory and inquiring from time to time as to whether the Bs wished to sell their property, was evidence of this intent. Although appellant may establish actual possession of block A, she failed to establish both an intent to exclude the true owner and exclusion of the true owner.


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Items of Interest

I searched for “land surveyor” on the Alberta Courts website (www.albertacourts.ab.ca) and came across a couple of recent decisions which may be of interest to Alberta Land Surveyors. The following are excerpts only. Members are encouraged to read the entire case.

Brian E. Munday
Executive Director

Andriat v. County of Stettler
No. 20, 2008 ABCA 27

Issue 1: Do the landowners have riparian rights?

Issue 2: What are the principles to be applied in dividing the accreted lands?

Issue 3: Do the lands acquired by the County for a roadway have riparian rights and if so, has the western boundary of the roadway parcel been extended southward as the lake has receded?

[78] This Court does not, of course, have the expertise to draw the property lines. However, we are hopeful that our findings and directions are adequate so that the interested parties can agree to instruct a common surveyor to prepare a registerable survey dealing with the accreted lands. As a matter of common sense and prudence, I would urge that regard should also be had to how the new property lines may be extended as the lake continues to recede. If the parties are unable to reach an agreement as to how this judgment is to be implemented, including the drawing of the new property lines, within 90 days of the delivery of this judgment, the matter is referred back to the Court of Queen’s Bench. In that event, the parties are directed to seek case management, so as to expedite proceedings to complete this matter.

Healey v. Slobogan,
2008 ABPC 5

The Plaintiffs purchased a house from the Defendants. The Plaintiffs now claim damages for misrepresentation and breach of warranty based on the failure of the Defendants to provide proof of compliance with the municipal zoning requirements which the Plaintiffs say forced delay in the completion of the sale.
resulting in damages, hotel and living expenses, increased legal fees, and moving and storage costs. The Defendants say that they offered to complete the purchase in a timely fashion on reasonable terms and the Plaintiffs’ alleged additional costs were neither justified nor reasonable in the circumstances.

The Defendants listed the property for sale (Exhibit 1). The description of the property included the following: “Real Property Report with compliance/2006”

The Defendants’ lawyer obtained a Real Property Report from an Alberta Land Surveyor (Exhibit 3). The side yards shown on the Real Property Report were less than the requirement under the County of Strathcona Land Use Bylaw under which a minimum side yard of 1.2 metres was required (Exhibit 5), whereas the survey indicated a side yard of 1.19 metres on the east side of the dwelling and 1.13 metres on the west side. The County advised that a development permit “to leave as cited—single dwelling” was required. The Defendant’s solicitor immediately applied for a Development Permit to obtain the required relaxation.
At the 1943 Annual Meeting, the Secretary reported that he had received a questionnaire from the Department of Labour at Ottawa, intended to elicit information as to the part that the land surveying profession might play in post-war rehabilitation projects. “Rehabilitation” in that context meant both the rehabilitation of returning veterans and the rehabilitation of the nation’s physical plant and services that had suffered neglect or become obsolete in some respects during the war and would be in need of replacement or expansion when hostilities had ended.

This question was discussed at some length, and the meeting considered what kinds of survey work could be carried out after the war to provide maximum employment and also to be of general public benefit. It was concluded that the following types of survey work would best meet these requirements:

(a) Special city surveys to redefine the boundaries of valuable urban properties;
(b) Restoration surveys in areas where land settlement schemes were projected;
(c) Surveys for public works projects;
(d) Baseline and township subdivision surveys in outlying areas being opened for agricultural settlement or undergoing mineral development;
(e) Surveys for town planning purposes in connection with post-war housing developments.

It was agreed that the Department of Labour be so advised and that the Association set up a double-barrelled committee on post-war rehabilitation and development, consisting of four members from southern Alberta and three members from northern Alberta who would promote these ideas and develop them further in their respective halves of the province. It was also suggested that as a preliminary step towards preparing for the admission of new members, the examination syllabus ought to be reviewed and brought up to date. The Examining Committee was asked to look into this, but there later proved to be some uncertainty as to whether such a committee officially existed, and before the committee could be formally reconstituted, the University authorities took the initiative in this matter.

In 1944, both the Council and the Annual Meeting devoted considerable time to the post-war rehabilitation problem, and while the physical aspects of the matter were left in the care of the committee set up in 1943, the Association as a whole became more concerned with the rehabilitation of veterans. It was generally agreed that attention should be directed to those who had had survey training in the armed forces, that the adequacy of their training for the purposes of civilian employment in land surveying shouldn’t be investigated, and that since the University and the Department of Education would be expected to provide academic and technical courses designed to meet the needs of returned men, liaison between the Association and those authorities should be arranged. It was decided that the Association should offer to advise as to the number of veterans who might be encouraged to take up land surveying and as to the organization of facilities to provide them with the necessary training.

Meanwhile, the Secretary-Treasurer reported that an increasing number of inquiries were coming in from men already discharged or still in the services as to how they could become qualified as land surveyors, and he suggested that the Examining Committee might prepare a leaflet giving this information. Mr. Humphreys also suggested that the matter of reciprocity on qualifications between the Alberta and other provincial land surveyors’ associations should be considered, so that shortages in the supply of surveyors in one province could be met not only by directly admitting veterans in that province but also by admitting those who had become qualified elsewhere.

Nothing much came of these proposals during 1944, partly, perhaps, because it came to be realized that the war was not to be brought to a victorious conclusion quite as soon as had been hoped for in... proposals for restoration surveys are like proposals for disarmament; they never proceed far beyond the discussion stage, and nothing was ever done about either the city or township restoration schemes.

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1943. At the 1945 meeting, the Post-war Rehabilitation Committee was able to report that the need for special city surveys had been discussed with civic officials at Edmonton, Calgary and Lethbridge and that they had promised to include such projects in their post-war civic programs. The Committee had also discovered several promising lines of activity for surveyors in the proposals contained in a report produced by a post-war reconstruction committee that had been set up by the provincial government to study and make recommendations on post-war needs and projects. The Committee also advanced a proposal of its own for an extensive scheme of restoration surveys, entailing the systematic re-establishment and replacement of the survey monuments at the northeast corners of each quarter-township, which in time would provide a network of good monuments three miles apart throughout the subdivided territory to serve as a basis for other future surveys. It was reckoned that if the provincial government employed ten survey crews for ten years on such a program, it could be completed in that period of time and would provide much useful employment and valuable training for returned men. There was a good deal of enthusiasm for this proposal on the part of both Association members and government officials with whom it was later discussed. But proposals for restoration surveys are like proposals for disarmament; they never proceed far beyond the discussion stage, and nothing was ever done about either the city or township restoration schemes.

By this time, the long-talked-of ALS Manual had become a reality, and mint copies of the first edition were being eagerly snapped up by Association members at a price of $2.50 per copy, the cost of printing having been defrayed by selling a $500.00 provincial bond for the comparatively good sum of $402.00. Perhaps in recognition of the Secretary’s literary efforts in that connection, he was asked by motion passed at the 1945 meeting to prepare from time to time a newsletter for circulation to the members to keep them in touch with matters of current interest to the profession. Since then, the practice of sending out periodical newsletters has been more or less continuously followed. Along with the publication of printed annual reports, which was resumed in 1943, this helped to keep the members better informed and to stimulate a keener interest in Association affairs than had been evident for some time.
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