



# the witness corner

Digital Issue No. 92, October 2011

CALIFORNIA LAND SURVEYORS ASSOCIATION  
ORANGE COUNTY CHAPTER  
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**Education**  
Lisa Gaston

**J.P.P.C.**  
Roger Frank

**Newsletter Editor**  
Richard Lopez

**Trig-Star**  
Greg Sebourn

**Legislative**  
Dave Woolley

**Scouting Merit Badge**  
Greg Sebourn

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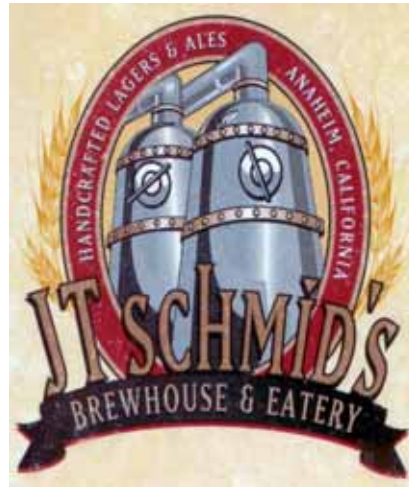


CALIFORNIA LAND SURVEYORS ASSOCIATION  
ORANGE COUNTY CHAPTER

OCTOBER DINNER MEETING REMINDER

**TUESDAY NIGHT – OCTOBER 18, 2011**  
**SOCIAL 6:00 PM DINNER 7 :00 PM**

**VITAL ISSUES ON STATEWIDE AND ORANGE  
COUNTY SPECIFIC ISSUES**



**2610 E. KATELLA BLVD., ANAHEIM, CA 92806**  
**ACROSS THE STREET FROM THE ANAHEIM POND**  
**JUST EAST OF THE 57 FREEWAY**

The Orange County Board of directors will be presenting and discussing vital issues on Statewide and Orange County specific issues. There is a lot going on right now in the survey profession state wide and locally. This is a great opportunity to find out what's churning in the wind and what issues affect you. If you have a opinion, or maybe a issue that is just burning you up, bring it. You never know, some of your peers may have the same concerns!

**And as always, you do not have to be a member to attend!**

**FOR RESERVATIONS CALL: JENNIFER PALMER (949) 474-1960**  
**OR E-MAIL RESERVATIONS: [jpalmer@fuscoe.com](mailto:jpalmer@fuscoe.com)**

## **PRESIDENT'S LETTER**

SIT DOWN FOR A COUPLE MINUTES...  
READ THE NEXT 2 PAGES....  
IT'S REALLY IMPORTANT.



I KNOW, I KNOW, I KNOW.....

I beat you up with this last month, so I'll be brief.

Statewide, the lack of compliance with §8771 has long been recognized as a serious and pervasive problem. Throughout the decades, significant effort has been put forth by both CLSA and the State Board to educate those parties responsible for the abuses. Letters, articles, and opinions have been published, yet the abuse and non-compliance issues are still prevalent today, throughout the state. I believe this is one of the most destructive issues facing our practice today.

Per the law, it is been made clear who the responsible parties are. In a recent letter to the Board of Registration, David Hobbs, President Elect of the L.A. C.L.S.A. Chapter, asked whether "...a governmental agency [can] shift the responsibility of monument preservation to a non-licensed individual (e.g. a contractor)..." The answer was *no*. The Board then re-stated their previous position that "...the governmental agency is responsible for preserving existing monumentation thereby protecting the public's interest."

The education process has proven to be long, expensive, and, for the most part, not very efficient. Yes, there are isolated pockets of success, but they have come at a high price. And, unless provided for within the individual agencies operating ordinance, enforcement is often relatively impossible.

The damage caused by this break-down can be enormous, both in concept and in cost. Just a couple nights ago, at our board meeting, Peter Fitzpatrick told us of a recent situation on a project in Los Angeles where he believes that a corrective Record of Survey in a particular area where monuments have been destroyed would cost in the neighborhood of \$500,000. The question: Who should be on the hook to foot the bill?

Our C.L.S.A. State Board of Directors, the Executive Committee, and our State President, Mr. Bill Hofferber, are all well aware of the issues. Bill empowered an Ad Hoc committee earlier this year, head up by Robert Reese. After extensive analysis, that committee recommended to the President that yes, §8771 is broken, and offered up a comprehensive legislative overhaul of the section.

With that, the Board of Directors has essentially placed all its current eggs into a basket, wrapped up in the protective coating of revised legislation and continued efforts to

educate. As I have said many times, I respectfully do not agree that the current courses of action have much of a chance of success. I believe there is the necessity of a third egg in that basket, that being related to the actual damages that occur. At the next State Board of Directors meeting, the proposal will most likely be put before the representatives that the Board provide funding and engage a legal consultant to study who, if anyone, would have legal standing to enter into litigation on the issue of the abuse of or non-compliance with §8771. The study would result in a legal opinion, determining which parties, if any, would have legal standing to enter into litigation on the issue of the abuse of or non-compliance with §8771. It would also assess the potential for the Plaintiff to recover costs.

I am asking you to join me in this effort by becoming educated about the pro's and con's of this proposal, and to support this effort on a local and statewide basis.

At our upcoming chapter meeting, on Tuesday, October 18<sup>th</sup>, we – the chapter – will be discussing, among other topics, the following topics and questions:

- **When I say 'join me', I'm not asking you to align with 'me' on a personal level.**
- **Who would we be suing first?**
- **Isn't \$10,000 is a lot of money?**
- **Why not just turn 'em into the Board of Registration?**
- **I heard that the Board of Registration says that there are only three open cases based on §8771.**
- **Wouldn't pursuit of a legal standing for filing a lawsuit at this time impinge upon the work being undertaken by the Monument Conservation Committee?**

On a side note, we will also be discussing some recent developments with our own Orange County Surveyor's office, and how they will potentially impact your practice.

So, if you don't show up, we'll miss you – I hope it's gonna be a real barn burner. And, if we can't reach a decision, I just might cut a baby in half.....

## BOARD OF DIRECTORS MEETING MINUTES

**Date: September 20, 2011**

**Location: Johnson-Frank, Anaheim**

**Meeting called to order: 5:40PM**

### Attendees:

Tony Cuomo – President  
Dave Woolley – Vice-President  
Greg Sebourn – Secretary/Chapter Rep.  
Roger Frank – OC-JPPC Chair  
Joe Padilla – Program Chair/Alt. Rep.  
Joshua Tatman – Secretary-Elect  
Tom Propst – Treasurer-Elect  
Lisa Gaston – Education Chair

### Motion made and passed to suspend Rules in order for all to vote.

- Motion accepted.

**August minutes: Unanimously approved.**

### President's Report: (Tony Cuomo)

- Action items: (none)
- Review of 2012 Officers and Representatives:  
**PRESIDENT:** Dave Woolley, PLS  
**VICE PRES:** Greg Sebourn, PLS  
**TREASURER:** Tom Propst, PLS  
**SECRETARY:** Joshua Tatman, PLS  
**IMM. PAST-PRES:** Tony Cuomo, PLS  
**CHAPTER REPRESENTATIVES:**
  1. Tony Cuomo, PLS
  2. Greg Sebourn, PLS
  3. Tom Propst, PLS
  4. Peter Fitzpatrick, PLS
  5. Joshua Tatman, PLS

### ALTERNATIVE CHAPTER REPRESENTATIVES:

1. Dave Woolley, PLS
2. Jerry Uselton, PLS
3. Mike Simon, PLS
4. Joe Padilla, PLS
5. ?

### Vice President's Report: (Dave Woolley)

- No Report / No Raffle Sponsor

### Treasurer's Report:

- Abbreviated Report by Pres. Cuomo reflects \$17,438 in checking account. Includes \$6,375 for Ray Mercado Scholarship but NOT Paul Cuomo Scholarship.

### Secretary's Report: (Greg Sebourn)

- Minutes submitted
- BPELSG sent out a notification of proposed Rule changes for:
  - NCEES results non-appealable
  - Fees to reflect NCEES cost

### Membership Report: (Alan Frank)

- 538 on mailing list
- 172 members (34 associate, 122 corporate, 5 student, 14 sustaining)
- Several unpaid memberships due to economic hardship.

### Education Report: (Lisa Gaston)

- Education report: Lisa has sent notifications out to professors at Cal Poly Pomona, Fresno State and Santiago Canyon College to remind them to encourage their students to apply for this year's scholarships.
- Total amount to be awarded to be determined.

### Legislative Report: (Dave Woolley)

- CLSA Leg Com to seek definition of "ESTABLISH" to be included in the Board Rules.

### Trig Star and Scouting Merit Badge: (Greg Sebourn)

- No report.

### Newsletter: (Rich Lopez)

- No report.

### Activities Chairman: (Joe Padilla)

- No report.

**JPPC: (Roger Frank)**

- State JPPC still looking at revising PLSA 8771.
- 94 active cases being reviewed by the OC-JPPC.
- Next OC-JPPC meeting scheduled for 3<sup>rd</sup> Wednesday (Sept 21) at Huitt-Zollars at 3:30 PM. Meeting is open to public.

**Chapter Reps Report: (Joe Padilla)**

- No report.

**Website (Kurt Troxell)**

- No report.

**Caltrans Liaison (Don Mertens)**

- No report.

**SCC-CLSA Liaison (Tiffany Padilla)**

- No report.

**New Business**

- Up-coming events around So Cal include:
  - ESRI Workshop, contact Ryan Versteeg at [rversteeg@deainc.com](mailto:rversteeg@deainc.com)
  - Subdivision Map Act Seminars, go to [www.LandUseNavigators.com](http://www.LandUseNavigators.com)
  - San Diego Scholarship Golf Drive Friday Sept. 23 at noon, contact David Johnson at [david.johnson@leicaus.com](mailto:david.johnson@leicaus.com) or Justin Pallamary at [justinpallamary@earthlink.net](mailto:justinpallamary@earthlink.net)
- Next board meeting at Johnson-Frank, Anaheim, Oct. 11, 2011; 5:30 p.m.

➤ ***All Board Meetings are open to the public. RSVP not necessary but appreciated.***

**Meeting Adjourned** at 6:30 p.m.

Prepared by:  
Greg Sebourn, Secretary  
CLSA Orange County Chapter

**ORANGE COUNTY  
CHAPTER SCHEDULE OF  
2011 MEETINGS AND  
ACTIVITIES**

As a general rule, the board meets on the second Tuesday of each month, and the general meeting is the following week. Below is our tentative schedule of events for the coming year. Please note that things change, and this is only tentative.

As of this writing, the board meetings will be held at the offices of Johnson-frank & associates, 5150 east hunter avenue, Anaheim, ca, 92807. Board meetings commence at 5:00 with dinner, and generally run from 5:30 to 7:00 or 7:30. Any member is encouraged to attend, but seating is somewhat limited. If you have a matter that you believe should be brought to the board, please contact Tony Cuomo ([tonycuomo@johnson-frank.com](mailto:tonycuomo@johnson-frank.com)) with your intent.

October 11 - Board meeting  
**October 18 – Guest Speaker TBD**

November 8 - Board meeting  
**November 15 – Scholarship Night**

December – No Board meeting  
**December 2 – Casino Night**



## Caltrans Professional Liaison Committee

District 12 of Orange County



### CALTRANS DISTRICT 12 - PROFESSIONAL LIAISON COMMITTEE MEETING MINUTES May 24, 2011

The Caltrans District 12 Professional Liaison Committee convened at 9:30 AM, Tuesday, May 24, 2011 at the Transportation Corridor Agencies Committee Conference Room in Irvine, California.



#### 1. Introductions, Public Comments – Guests

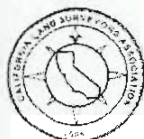
All meeting attendees introduced themselves. Please refer to the last page of these minutes for a list of meeting attendees.

#### 2. Approve Minutes from March 29, 2010 PLC Meeting

The meeting minutes were approved.

#### 3. Caltrans Report

- Capital Programs - Frank Lin (Acting Deputy Director, Capital Programs)
  - Caltrans director Cindy McKim retired.
    - Malcolm Dougherty was appointed as Acting Director.
    - Richard Land was appointed as the Acting Chief Deputy Director.
    - Robert Pieplow was appointed as Acting Project Delivery Deputy Director.
  - Gary Slater is the new Branch Chief of Operations North.
  - Kathy Low is the new Branch Chief of Hydraulics.
  - An Executive Order from the Governor's Office restricts travel to mission critical trips. The order could affect project coordinators.
  - Division of Design is working on HDM updates that would reflect Complete Streets policy.
  - 2010 Standard Plans are now available online and will be fully implemented by early next year. The Standard Plans can be found at the following website:  
[http://www.dot.ca.gov/hq/esc/oe/project\\_plans/HTM/stdplns-US-customary-units-new10.htm](http://www.dot.ca.gov/hq/esc/oe/project_plans/HTM/stdplns-US-customary-units-new10.htm)
  - Work load shift is anticipated to transition from design to construction.
- Planning – Ryan Chamberlain (Deputy Director of Transportation Planning)



- The Department set up interim guidelines for the PSR/PDS and lower funded projects.
- The Park and Ride Analysis is funded.
- The Study of HOV operations received a grant.
- California Legislation AB 1134 will clarify the existing regulations and reimbursements process for Caltrans Project Study Reports. The bill is still moving forward.
- Programs
  - May 16<sup>th</sup> Revise:
    - SR-91(SR-55 to Weir Canyon) – Awarded
    - SR-57(Katella Avenue to Lincoln Avenue) – June/July Advertisement
    - SR-55 Aux Lane(Edinger to Dyer) – June Advertisement
- Operations
  - Caltrans is reorganizing Traffic Operations and traffic Safety.
  - Safety Analysis now includes tolling in project delivery.
- Maintenance is having difficulty filling vacancies due to the hiring freeze. Field Maintenance is falling behind.

**4. Caltrans State Liaison Committee – no report**

**5. Reports from Local Agencies**

**OCTA –**

- OCTA Contracting opportunities are available at <http://www.octa.net/cammnet/>
- The I-5 Widening (SR-73 to El Toro) PA/ED selection is pending.
- Tom Bogard announced his retirement. His last day is on June 10<sup>th</sup>.

**Transportation Corridor Agencies (TCA)**

- The transition to electronic tolling to save costs is moving forward.
- The SR-241/SR-91 Connector Project is moving forward.

**Orange County Public Works**

- AE Firms have been selected for On-call services. 16 roadway projects and 7 bridge projects are to be completed. The scope of work is limited to projects with \$300,000 to \$400,000 fees. Projects are listed for five years.
- OCPW is beginning a 7 year capital improvements program of \$450 million.
- The largest project, Cow Camp Road is expected to cost \$200 million.

- The vacancy left by Ted Rigoni's retirement has been filled and will be announced in the next few weeks.

**6. Water Quality Issues**

- No Report

**7. Focus Session**

- Lan Zhou discussed the recently completed Corridor System Management Plans (CSMP). The I-5 CSMP is moving forward.
- Tom Cho with System Metric group (SMG) presented on the microsimulation analysis that was conducted for the CSMP's.
- Transmodeler microsimulation DVD's are available at Caltrans. CSMP's are available at the following webpage:

<http://www.dot.ca.gov/hq/tpp/corridor-mobility/d12-page.html>

**8. Set Next Caltrans District 12 PLC Meeting**

The next PLC meeting is scheduled for Tuesday, September 27, 2011 at 9:30 a.m. in Room 242/243 of the Caltrans District 12 TMC in Irvine, California.

Respectfully submitted,



Bo Burick, PE  
RBF Consulting

## EDITOR'S CORNER

Greetings Members,

Here we are in the beginning of fall and the middle of October, which can mean only one thing; it's time for my favorite Holiday of the year, Halloween!

Don't get me wrong, I love Thanksgiving and Christmas, who doesn't love stuffing themselves with great food, and receiving gifts; but Halloween is one of the times of the year that you can dress up in goofy costumes, act silly, and it's completely acceptable!



**My best attempt as a Johnny Depp Look-a-like.**

There are so many stories and folk lore about this day; following are a few different views on how this yearly ritual began and how it transformed into what we celebrate today.

As we all know most holidays commemorate or celebrate something, but what about Halloween? Is it some demon worship day, is it some kind of ancient pagan ritual where people gather

for parties and dress up in costumes, and how exactly did someone come up with the word "Halloween"?

Well the word "Halloween" has its origins in the Catholic Church and comes from a contracted corruption of "All Hallows Eve".



**Jerry Uselton and I as Vampires. Eat your heart out "Twilight fans".**

"All Hollows Day" is November 1<sup>st</sup> and is a Catholic day of observance in honor of saints.

In the 5<sup>th</sup> century BC, in Celtic Ireland, summer officially ended on October 31<sup>st</sup>, and this holiday was called Samhain, the Celtic New Year. This was the connection with "All Hollows Eve", "All Hollows Day" and the word "Halloween".

One story says that the Celts believed that on that day, the disembodied spirits of all those that died throughout the proceeding year would come back in search of living bodies to possess for the next year; this was believed to be their only hope for the afterlife.

Of course the living did not want to be possessed; so on the night of October 31<sup>st</sup> villagers would dress up in all manners of ghoulish costumes and parade noisily around town in order to frighten away spirits looking for bodies to possess; thus the creation of Halloween Costumes.



**A full size Lawn Gnome**

In Greek mythology, goddesses of the underworld were often used to invoke the Samhain. Hecate was a favored goddess of Zeus who was believed to wander the emptiness between the worlds of life and death looking for souls of the dead.

Hecate was a serpent goddess and with her ancient dark legend spawned such myths as vampires, who fed off the living using venom and snake-like fangs. Today Hecate is often referred to as the goddess of witches.

Trick-or-treating is a customary celebration for children in present times, but the practice of trick-or-treating started

back in the Middle Ages. It was a European costume called "souling".



**Rich Sr. practicing for his next career change.**

On November 2, "All Souls Day" early Christians would walk from village to village begging for "soul cakes", bread baked into small squares. The more soul cakes the beggars would receive, the more prayers they would promise to say on behalf of the dead relatives of the donors'.

At the time it was believed that the dead remained in limbo for a time after death and that prayer could expedite a soul's passage to heaven.

As for the famous Jack-o-lantern an Irish folklore story is told of a man named Jack who was a notorious drunkard and trickster who happened do trick Satan into climbing a tree. Jack then carved a cross in the tree's trunk, trapping Satan in the tree.

Jack made a deal with the devil that if he would never tempt him again, he would let him down from the tree.



**El Loco Grande Luchadore**

The story goes that when Jack died he was denied entrance to heaven because of his evil ways. He was also denied access to hell for he had tricked the devil. Instead the devil gave Jack a single ember to light his way through the darkness. This ember was placed inside a hollowed-out turnip to keep it glowing longer.



**Rich Sr. as El Rojo**

In the early days, turnips were used to simulate “Jack’s Lantern”. When Irish immigrants came to America, they found that pumpkins were much more plentiful than turnips. So the Jack-O-Lantern in America was a hollowed-out pumpkin.



**Jerry Uselton as El Diablo**

Although some cults may have adopted Halloween as their favorite “holiday”, it did not come from some demon worship or evil practices, but from Celts celebrating a new year and medieval prayer rituals.

So go out and find yourself a crazy costume, find a party, or just take your kids trick-or-treating, but have fun with the Holiday!

Until next time, be safe, healthy, and happy!

Rich Lopez – Witness Corner Editor  
CLSA Orange County Chapter  
[rjlopez@fuscoe.com](mailto:rjlopez@fuscoe.com)



The Santiago Canyon College surveying program in conjunction with the SCC-CLSA is hosting a no-charge presentation of Gary Kent's latest webinar:

## **GPS and GIS – Can they solve our boundary problems and put Surveyors out of business?**

When: 12:00-2:00 p.m., October 18, 2011

Where: Santiago Canyon College, room U-89

Gary Kent's presentation will be preceded and followed by a discussion on how these issues affect or will affect practitioners in Southern California. That discussion will be led by Greg Sebourn, survey program facilitator at SCC, and Mike Ijams, a GIS industry expert, ESRI beta tester, Fuscoe GIS manager, and SCC Instructor. The schedule is: 12:00-12:30 discussion, 12:30-1:30 webinar, 1:30-2:00 discussion.

The course description and outline from the webinar promotional materials:

### *Course Description:*

*GPS has become ubiquitous in society - it is used for everything from guiding airliners to routing 911 emergency calls to finding the nearest pizza joint. Many surveyors use it every day, and anyone can buy one at a local retailer for under \$100.*

*GIS is available free on-line in many cities and towns, not to mention the omnipresence of 'Google Earth.' The uses that people are putting GIS to are virtually limitless and pervasive, whether you know it or not! A person can find their property and even use it to make measurements and determine areas.*

*Can these technologies and tools replace surveying products and services like land title and boundary surveys? Do we still need surveyors when we have these accurate and readily available tools literally at our fingertips? What does all of this portend for those who rely on surveyors and the services they provide? There is a lot of misinformation and misunderstanding about these technologies. In this session, we will explore how GPS and GIS relate to each other, and to the services and products that surveyors routinely provide.*

### *Program Outline:*

- *GPS - the Global Positioning System How the Magic Box Works - What it Can and Cannot Do*
- *GIS - Geographic Information Systems Uses and Applications - Land Boundaries and Land Title in GIS*
- *GPS and GIS - Can They Be Used to Determine Boundaries and Generate Accurate Maps?*

Admission to this event is free, however a two dollar parking pass is required. Carpool and save!

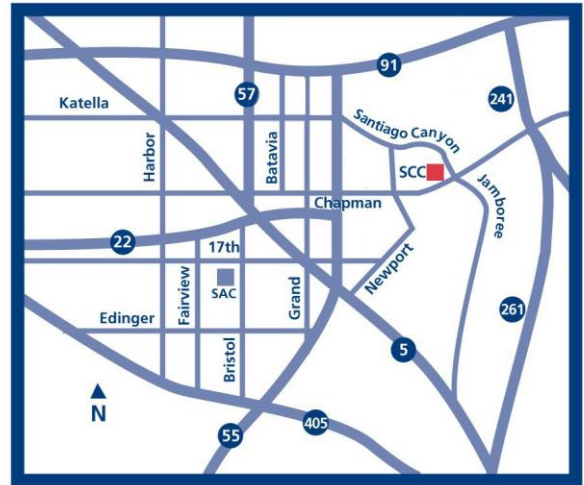
The SCC student chapter will provide pizza and soft drinks for attendees.

Seating is limited so reserve yours today! Contact Tiffany Padilla at [tmbrocks88@yahoo.com](mailto:tmbrocks88@yahoo.com), (714) 883-7383

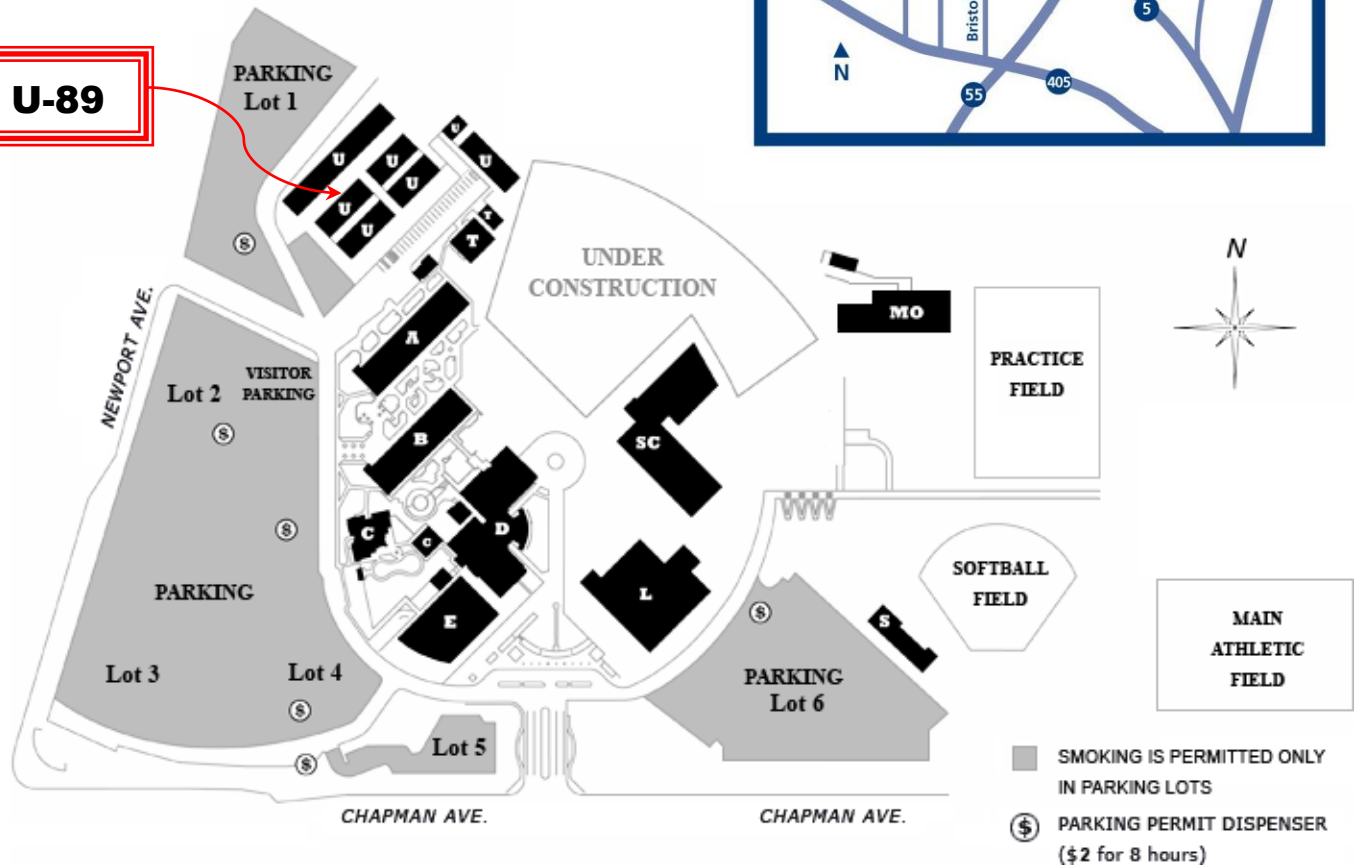
If you are unable to attend, you can purchase Gary Kent's presentation for \$89 from Foxmoor, previously known as PESI. Go to their website <http://foxmoor.inreachce.com> and search for GIS.

# LOCATION INFORMATION

SANTIAGO CANYON COLLEGE  
8045 E. Chapman Ave.  
Orange, CA 92869  
(714) 628-4900



**U-89**



## GPS and GIS

**Can they solve our boundary problems and put Surveyors out of business?**

When: 12:00-2:00 p.m., October 18, 2011

Where: Santiago Canyon College, room U-89

Seating is limited so reserve yours today! Contact Tiffany Padilla at [tmbrocks88@yahoo.com](mailto:tmbrocks88@yahoo.com), (714) 883-7383

## **CLASSIFIED ADS**

### **NOTE: Classified Advertising Policy**

The Orange County Chapter's advertisements are \$50 per quarter, text only, full page width, limited to approximately 3 inches in height, using 12 point font. The ads will not only appear in the newsletter, but on the Orange County Chapter's website as well. To place or renew a classified advertisement, contact Richard Lopez at (949) 474-1960 x4377 or at [richard@fuscoe.com](mailto:richard@fuscoe.com)



# The Subdivision Map Act:

## A One-Day Seminar in Several California Locations

Allen Matkins  
*in association with*  
**LAND USE NAVIGATORS**

Instructor



Michael P. Durkee

### Cost: \$195

Discounts available for:

- Groups
- CLSA members

### Time

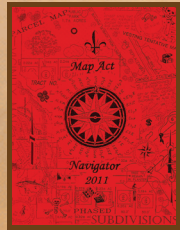
9:00 am - 4:30 pm

Registration opens at

8:30 am

### Includes:

Map Act Navigator 2011  
a \$49.95 value



### WHAT IS COVERED?

This seminar provides guidelines for effective use of the Subdivision Map Act. The instructor will discuss the responsibilities and powers of local agencies under the Act, as well as particular issues regarding when the Act applies.

### SEMINAR HIGHLIGHTS:

- Discussion of new Legislative and Judicial developments in 2010
- Relationship of Map Act to other planning, zoning and development laws, and to CEQA
- When the Map Act applies (and when not)
- What kind of Map (tentative/final or parcel map) to use
- Certificates of Compliance, Lot Line Adjustments, Contiguity, Remainder Parcels
- Exemptions and Exceptions under the Map Act
- Life of Tentative Map
- Getting the most out of Vested Rights (including Vesting Maps, Development Agreements and Common Law Vesting)
- Conditions of Approval/Exactions/Dedications/Fees
- Creative mapping approaches
- Appeals/Judicial Actions

### WHO SHOULD ATTEND?

This seminar is designed for public and private planners, surveyors, engineers, public works and utilities staff, developers, builders, environmentalists, attorneys, project managers, architects, planning commissioners, city council and board members, property managers, zoning board members, neighborhood groups, and all others involved with the land use process.

This course qualifies for 6.0 hours of California MCLE Credit.

*How to Register for a seminar:* Call us: 415-273-0310    web: [LandUseNavigators.com](http://LandUseNavigators.com)    or, register and pay at the door

## Cities and Dates:

### Burbank

October 27

Burbank Moose Lodge  
1901 W. Burbank Boulevard

### San Diego

November 10

San Diego Concourse  
Copper Room 227  
202 C Street

**PLEASE NOTE THE CHANGE OF DATE TO THE SAN DIEGO CLASS!**  
The San Diego Class is now scheduled for *Thursday November 10th!*  
**SAME PLACE, SAME TIME, DIFFERENT DATE! THANK YOU!**

*Thanks, Allen Instruments,*

**ALLEN** Instruments & Supplies

**Dan McMahon**  
Sales Representative  
760-271-4681

800.215.2737 • Fax 714.238.3441  
2940 E. La Palma Ave. Suite E & F  
Anaheim, CA 92806

  
dan@alleninst.com


*And California Property Specialists, Inc.!*

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Cost Studies	Property Management

*Thank you, Earth Graphics, Inland Aerial Surveys,*



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