April Luncheon: Nigeria 2016

IRWA is truly international with the addition of several countries as new chapters. In February 2016, Donnie travelled to Abuja, Nigeria to teach four classes to members of IRWA's Nigerian Chapter 84, a brand new chapter for IRWA.

At our April meeting, Donnie will be speaking about his experiences in the faraway land and discussing the similarities and differences in the right of way profession. He will also be sharing some interesting facts and history of this country and some of the challenges faced by the real estate and right of way community in Nigeria. You don’t want to miss this exciting and fun program.

Donald J. Sherwood, MAI, SR/WA, is an independent real estate and right of way consultant and the former Managing Director of the Fort Worth office of Integra Realty Resources, an international real estate valuation and consulting firm. He served as the 1998 President of the Dallas/Fort Worth Chapter of IRWA and was named “Professional of the Year” in 1998. He has also served as past president of the Central Texas Chapter of the Appraisal Institute. Donnie is a State Certified General Real Estate Appraiser and Real Estate Broker. He teaches for both IRWA (CLIMB Certified) and the Appraisal Institute and has been an adjunct professor in the Finance Department at TCU. Donnie is a graduate of Southwestern University and holds a Masters Degree in Land Economics and Real Estate from Texas A&M University. He is the author of “Easement Valuation” published by the Southwestern Legal Foundation and written numerous articles for Integra Realty. He is the author of several seminars including “Skills of the Expert Witness” and “Reviewing Appraisals for Eminent Domain”. He is a qualified expert in both state and federal court. Donnie has been appraising real estate since 1978. His assignments include a wide variety of property types ranging from single family homes to major commercial projects including Reese Air Force Base and the Texas World Speedway in College Station. In June 2010, Donnie was selected as the 2009 recipient of the Frank C. Balfour Professional of the Year Award at IRWA’s 56th Annual International Education Conference in Calgary, AB. This prestigious award is the Association’s highest honor bestowed upon an IRWA member. He was the 2011 recipient of the Charles D. Tandy Commercial Realtor Award and the 2012 recipient of the National Commercial Award on behalf of the National Association of REALTORS® and the Commercial Real Estate Division. Donnie was recognized by the International Right of Way Association as one of the top five finalists for the W. Howard Armstrong Instructor of the Year for 2013.

April Meeting Location: American Airlines Conference Center

American Airlines Conference Center—4501 Hwy. 360 South, Fort Worth, 76155

April 12, 2016 - 11:30 - 1:00
Board Meeting: 10:00 — 11:30

Luncheon Menu

Blackened Redfish with a Roasted Corn and Cherry Tomato Relish, Six Spice Beef Tenderloin, Marinated Grilled Asparagus, Roasted Garlic Whipped Potatoes, vegetarian options, salad, soup, chocolate tuxedo cake dessert.

$20.00 before the registration deadline and $25.00 after.
No-shows will be billed.
Greetings Chapter 36 Members, Spring is in the air!

March was a great meeting; even the weather couldn’t put a damper on the Chapter 36 loyal members. We had 81 members in attendance. Thank you all for your support. During the March meeting we established the Nominations and Election Committee in preparation of our upcoming election of officers in May. We had the pleasure of having John Navratil, SR/WA speak to us briefly on “Teamwork in Right of Way”. Thank you John for taking the time to share with us some of your experience.

Our Volunteers of the month were Darlene Snow with HDR and Dorrien Himes with Paramount Valuation. Many thanks to both of them for their time and effort. Wayne Wright with Oncor was our member who won the monthly drawing for wearing his official IRWA name badge.

April is always a busy and exciting month for Chapter 36 members. Education has planned a class early in the month for you; please check out the Education page of this month’s newsletter.

We will hold our monthly membership meeting on April 12. The nominations committee will announce its slate of recommended chapter officers and directors at the April meeting. The Committee Chair is Director 2 Year, Jennifer Ayers of Paramount Valuation Services.

April 28th and 29th, we will hold the annual Chapter 36 Golf Tournament and Spring Seminar. This year we will hold the events at the Prestonwood Country Club. Prestonwood has made a lot of renovations over the past year and I hear it is a great course to play on. The Spring Seminar has a great lineup of speakers and Prestonwood offers a scrumptious buffet. Thank you to all of our loyal sponsors for your support with the Spring Seminar Event.

It is time to renew your IRWA membership! Our Membership Chair, Tommy Matthews of Edgestone Realty has done a great job in presenting incentives to help our members renew with an impressive total of 345 renewals since November. As an IRWA member you receive a discount for registration at the Spring Seminar, and chapter classes. There are so many benefits. Please let us hear from you.

I have been impressed with the turnout at our monthly luncheon meetings. Our Programs Committee, Jennifer Hall, Jace Whatley, Sarah Riebe and Rich McBride have all done a fabulous job providing a variety of speakers with interesting topics and great venues.

At the April Chapter 36 monthly luncheon meeting, we will update everyone about the information received at the Region 2 Spring Forum planning meeting.

Thank you all for your continued support and membership. I hope to see you at the meeting in April. Remember to wear your official IRWA name badge!

Truly yours,
Karen Stearman, SR/WA

Quote of the month: “Don’t wait for people to be friendly, show them how”.
www.primitivesbykathy.com
**Ask the Attorney**

**Scott Moran**

**Question:** Can a Right of Way Agent in performing his or her job be accused of the unauthorized practice of law?

**Answer:** The easy answer is “yes”. Anyone can be accused of anything. The analysis of this question will be taken in three parts: This article will deal with “What is the unauthorized practice of law?” Next month’s article will focus on “Actual cases where Texas citizens have been accused of the unauthorized practice of law.” And the last article will address “Specific Concerns about Right of Way Agents and whether what they do constitutes the unauthorized practice of law.”

So, what is the unauthorized practice of law? First, we must look at “What is the practice of law?” It is defined by statute and case law. Section 81.101 of the Texas Government Code says “the practice of law” means “the preparation of a pleading or other document incident to an action or special proceeding or the action of the management of the action or proceeding on behalf of a client before a judge in court as well as a service rendered out of court, including the giving of advice or the rendering of any service requiring the use of legal skill or knowledge, such as preparing a will, contract, or other instrument, the legal effect of which under the fact and conclusions involved must be carefully determined.”

Section 83.001 of the Texas Government Code states a person (other than attorneys, real estate brokers/salesman, or lease agents involving the sale, lease or transfer of mineral or mining interests in property), “may not charge or receive compensation, either directly or indirectly, for preparing a document affecting title to real property, including a deed, deed of trust, mortgage, and transfer or release of lien.

The courts ultimately decide what the practice of law is. We will look at samples of cited cases in next month’s “Ask The Attorney”.

Basically, only members of the State Bar of Texas may practice law in Texas. There are exceptions for out of state lawyers and others who comply with Texas Supreme Court’s rules. The Supreme Court of Texas also has established the “Unauthorized Practice of Law Committee”, the UPLC, and appoints nine members who are both attorneys and non-lawyers to serve three year staggered terms to investigate complaints and authorize civil lawsuits to enjoin the unauthorized practice of law.

Additionally, Section 38.122 of the Texas Penal Code prohibits a person from holding oneself out to be a lawyer unless properly licensed if it is done with an intent to obtain an economic benefit. An offense under this section is a third degree felony.

Section 38.123 of the Texas Penal Code prohibits a person from taking certain actions with respect to personal injury claims if done with an intent to obtain an economic benefit. Offenses under this section can be a Class A misdemeanor or in certain cases, a third degree felony.
IRWA Chapter 36 is pleased to announce the 2016 Donald J. Sherwood, SR/WA scholarship program. This year the chapter will award up to 5 scholarships to deserving college-level students. Requirements are as follows:

1. Applicant must be an IRWA Chapter 36 member or a family member of a current IRWA Chapter 36 member.
2. Applicant must be in good academic standing in a field of study normally associated with one of the Right of Way industry disciplines.
3. Applicant must be enrolled as a college or graduate level student (or other professional school) or a high school student accepted as a college level student.
4. Application must be filled out completely including the required supporting documentation.
5. Application must be received by April 30, 2016.

The scholarship application form is available on the Chapter 36 website. Applications must be received by April 30, and awards will be announced on May 9 during our regular membership meeting.

Scholarship Committee:
David Harry, MAI, Director
Michael Kersten, SR/WA, Professional Development Committee Chair
Lora Gunter, Education Committee Chair
**UPCOMING EVENT**

Chapter 36 Spring Seminar

**What:** Chapter 36 – Spring Seminar
“Hot Topics in Real Estate and Eminent Domain”

**Where:** Prestonwood Country Club
15909 Preston Road, Dallas, TX 75248

**When:** Friday, April 29, 2016 – 7:30 a.m. to 5:00 p.m.
Continental Breakfast begins at 7:30 a.m.

**Cost:** $130 per participant

**Seminar Registration Includes:**
Continental breakfast, lunch buffet, desserts and snacks.

**Seminar Speaker/Presentations:**
- Gus Cannon, TxDOT ROW Director and Kyle Madsen, TxDOT Project Delivery Director – “Status and Future of Contracting with the State for Right of Way Acquisition Services”
- Clint Harbour, Assistant Attorney General – “Update on Billboards”
- Dan Harmon, Director of Maritime, TxDOT – “The Impact of the Panama Canal on Our State’s Economy and Mobility”
- Mary Johndroe, Attorney, Cantey Hanger, LLP – “Something Much Simpler – the Separate Economic Unit”
- Michelle Jones, Attorney, Jones & Westrom – “Recent Updates in Eminent Domain Law”
- Dave Quinn, CECd, Vice President of the Frisco Economic Development Corporation – “Frisco’s $5 Billion Mile and Beyond”
- Don Toner, Director of TxDOT Strategic Projects Division – “Design Build in Texas”
- Chris Zachry, Environmental Division, TRWD- “George W. Shannon Wetlands Recycling Facility at Richland Chambers Reservoir”

For registration or sponsorship opportunities, please contact:
Marcus Boyd at mboyd@pinnaclegroup.biz or 972-979-2850

Our annual Spring Seminar is held in association with the Chapter’s Golf Tournament.
This year the Golf Tournament will take place at The Clubs of Prestonwood on Thursday, April 28, 2016 with a 1:00 p.m. (shotgun start). Golf Tournament registration will
Give yourself a competitive edge.

IRWA’s Credentialing Programs

Credentialed Programs
IRWA has developed 6 different Credentialing Programs to help you develop a solid, competitive advantage in today’s crowded and complex marketplace. An IRWA Certification will prepare you and your company for whatever lies ahead.

Invest in your Future
Earning an IRWA Certification will help you to gain new skills, enhance your knowledge base and help you attain a wide range of workplace benefits. An IRWA Certification can often win

Right of Way Disciplines
Earn your right of way certification in one or more of the following disciplines:
- Appraisal
- Asset (Property) Management
- Environmental
- Negotiation/Acquisition
- Relocation Assistance
- Uniform Relocation Act

“The Sr/WA sets me apart from other fee Appraisers as one who not only knows the Appraisal business, but also the specialization of the right of way profession. If a non-Appraisal question comes from a client, I know another Sr/WA who can answer it. Sr/WA networking—priceless!”
David Maturen, Sr/WA Maturen & Associates, Inc.

IRWA Certification Programs
The IRWA currently offers certification in 6 different right of way professional disciplines. Earning a certification demonstrates an unparalleled achievement in a single professional discipline and reinforces a standard of excellence.

Jumpstart your Career Today!
The IRWA right of way Certifications create a strong professional foundation and enhance employee skills. Most employers recognize the roles that professional development and continuing education play and encourage their staff to pursue such growth.

“To the Sr/WA Designation tells my clients that I am an expert who can help solve their problems. My designation also tells my colleagues that I value the education that IRWA has made available.”
John Rilling, Sr/WA Rilling & Co., LLC

SR/WA Senior Right of Way Professional Designation Program
The SR/WA is the most prestigious professional designation granted to IRWA members who have achieved professional status through experience, education and examination in several right of way disciplines.

Advance your Career Today
The SR/WA Designation expands employment opportunities, increases salary potential, boosts chances for career advancement and demonstrates professional commitment. The SR/WA Designation helps employers to identify and reward employees with proven initiative, dedication and knowledge.

To learn more about the many opportunities available through the IRWA’s Credentialing Programs, visit our website today at www.irwaonline.org or call (310) 538-0233 – US (888) 340-IRWA (4792) – Canada


North Texas News
The PDC Committee is happy to announce the latest promotion approved by our Chapter Board. Drum roll please...Between March 8th and April 30th, Chapter 36 will be covering the cost of the first 36 candidacy applications for our chapter members. This represents a cost savings of $25 to $50 depending upon the discipline you select. So be sure to contact one of your PDC Committee members with your applications or to set up a time to perform a needs assessment to help you meet your IRWA certification goals.

All members should be aware that the IRWA now has new course requirements for designations that went into effect January 14, 2016. Every member who declares candidacy for the RWA, RWP or SR/WA will fall under the new guidelines. The new requirements have been posted to the credentialing page of the IRWA website.

All designations now have a set syllabus of classes to take, depending on which area you wish to specialize in: Oil and Gas, Electric and Utilities, Transportation, or Generalist. Take some time to familiarize yourself with the course requirements for the new designation paths. The education committee will be rolling out new courses as they become available. Please let us know if there are classes you need. If you have questions about designations and certifications, send an email to pdc@irwachapter36.org.

Michael Kersten
IRWA Chapter 36, PDC Chair

Calendar of Events

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<td>April 12</td>
<td>IRWA Chapter 36 Luncheon</td>
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<td>May 16-19</td>
<td>Principles of Land Acquisition</td>
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<tr>
<td>May 23</td>
<td>Advanced Residential Relocation</td>
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<tr>
<td>May 24-25</td>
<td>Non-Residential Relocation</td>
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Michael Kersten, PDC Chair
2740 North Dallas Pkwy, Suite 280
Plano, Texas 75093
214.473.4640
michael.kersten@westwoodps.com

Westwood
Multi-Disciplined Surveying & Engineering

Denise Perez, SR/WA
PDC Committee (2 YR)
972-721-2472
dperez@cityofirving.com

Michael Hale, SR/WA
PDC Committee (3 YR)
817-445-1016
mhale@cobbfendley.com
Relo Recap  David Harrah taught Course 501 Residential Relocation Assistance on March 3-4. David is the relocation “guru” with TxDOT, so it was a great privilege to have him travel up from Austin to instruct this course for our chapter. We also appreciate TxDOT’s Fort Worth District Engineer Brian Barth’s support of IRWA Education by allowing us to use TxDOT facilities to have this course, as well as previous courses.

Raise and Appraise  Heighten your appraisal knowledge by learning how to “review” appraisals! Course 410 Appraisal Review is being held on April 6 in Bedford at the Atkins/TxDOT office. This one-day course is being instructed by Donnie Sherwood. Materials are ordered in advance, so contact Dalton Vann to make sure there will still be room for you to enroll.

YP/Ynot? If you’re a Young Professional and haven’t taken Course 100 Principles of Land Acquisition, then there’s no better chance than now! Chapter 36 is offering a significant discount to its YP members (which is defined in our chapter as 40 and under) to enroll in the class being offered May 16-19 for only $500! That is a HUGE savings of the standard $710 tuition cost. (Fine print: This special price is inclusive of all Chapter 36 discounts). Don’t fret if you’re not a YP! You can still take the class, too, and qualify for the Chapter 36 member discount. Remember, to receive the Chapter 36 tuition discounts, you must register directly through the Course Coordinator, not online. Jim Thomas is the Course Coordinator for this class.

Relocation, Relocation, Relocation  To build off of Course 501 Residential Relocation Assistance held in March, we’re offering two more relocation classes in May. Course 505 Advanced Residential Relocation Assistance is being held on May 23 at Westwood in Plano. The following two days, Course 502 Non-Residential Relocation Assistance (more commonly known as Business Relocation) will be held at the same location. These are the first course offerings at this new host site. If your business is interested in being a course host site, please contact one of the Education Committee members to discuss the possibilities. We try to have site locations across the wide geographic area of the Metroplex to accommodate our diverse membership.
Also, late registration kicks in 30 days before the class start date. The 30 day window is to allow adequate time for course materials to be ordered from IRWA Headquarters in California.

Many times class registration can be made up to the date of the start of class. But, it is advisable that you contact the Course Coordinator if you plan to register onsite, or near the date of the class. This is to ensure that there will be enough course materials for very late registrants.

I encourage you to please take a moment to look at our schedule and register for classes early. The classroom setting is really fun, interactive, and informative as the instructor can share his knowledge and experiences with the group. Don’t wait until the last minute to take the course you need to recertify. It can be a great experience to share with your colleagues by attending a class early.

### Chapter 36 Education Calendar

<table>
<thead>
<tr>
<th>Course</th>
<th>Date</th>
<th>Location</th>
<th>Instructor</th>
<th>Coordinator</th>
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<tbody>
<tr>
<td>100 Principles of Land Acquisition</td>
<td>May 16-19</td>
<td>Oncor Fort Worth</td>
<td>Donnie Sherwood</td>
<td>Jimmy Thomas</td>
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<tr>
<td>505 Advanced Residential Relocation Assistance</td>
<td>May 23</td>
<td>Westwood Plano</td>
<td>Tamara Benson</td>
<td>Dalton Vann</td>
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<tr>
<td>502 Non-Residential Relocation Assistance</td>
<td>May 24</td>
<td>Westwood Plano</td>
<td>Tamara Benson</td>
<td>Dalton Vann</td>
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<tr>
<td>431 Problems in the Valuation of Partial Acquisitions</td>
<td>August 25</td>
<td>Westwood Plano</td>
<td>Donnie Sherwood</td>
<td>Dalton Vann</td>
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<tr>
<td>802 Legal Aspects of Easements</td>
<td>Sept. 6</td>
<td>Halff Assoc., Richardson</td>
<td>Scott Moran</td>
<td>Dalton Vann</td>
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<tr>
<td>SR/WA Study Session and Exam</td>
<td>Sept. 26-28</td>
<td>Atkins/TxDOT Bedford</td>
<td>Carol Brooks</td>
<td>Dalton Vann</td>
</tr>
<tr>
<td>205 Bargaining Negotiations</td>
<td>Sept. 29-30</td>
<td>Atkins/TxDOT Bedford</td>
<td>Carol Brooks</td>
<td>Dalton Vann</td>
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Membership
Tommy Matthews, R/W-AC

At the February and March board meetings, five new members were approved to become part of the IRWA Chapter 36 family.

Please join me in welcoming the following new members listed below:

**Mr. Robby Rhoades** - TRC Companies
**Ms. Roxie Maxine Earett, MBA** - City of Irving
**Mr. Ryan Kelly**
**Mr. David Richardson**
**Mr. Andrew Virdell** – O’Brien Realty Advisors

**Membership Status:** Current membership count is 466.

Members who renewed prior to the March meeting were eligible for a drawing, in which ten members won $50 gift cards. Congratulations to the following members who won a $50 gift card by participating in the membership renewal incentive.

Kristen Bennett, John Bennett, Craig Brandt, Kate Evans, David Harry, Thomas Rannells, Sarah Riebe, Gary Reinhardt, Jim Thomas, and Mark Yale

Thank you to everyone who renewed membership for 2016.

If you do not have a member badge, or would like to receive one, please contact Tommy Matthews (Membership Chair) at tommy@edgestonerealty.com.

Please check the Chapter website and view your contact information. Each member has their own unique username and password to edit/update their contact information. If you would like something changed or do not have this information, please email me at membership@irwachapter36.org.

Don’t put off advancing your career. Visit the classes section of Online Learning Center at www.irwaonline.org or call 310-538-0233 ext. 138 for more information.

Learn. Lead. Advance.
Hello YP’s

The young professionals gathered on February 24th for our favorite outing of Whirly Ball. It was a fun time had by all and as usual the group was VERY competitive. With only a few bumps and bruises our new favorite non YP is Ray Armstrong! He braved the YiPs and represented the rest of our chapter.

Thank you for joining us for the evening!!

Be on the lookout for the dates and information of our April/May event to be coming your way in the next few weeks.

If you are planning on attending the IRWA International Conference in June please consider joining the 4th Annual Young Professional Symposium. It is being held in conjunction with the conference in Nashville this summer and includes a full day of sessions just for YPs. The symposium kicks of Friday, June 10th and continues through Sunday! For more information and to register please contact Leighton Gambill at Leighton@pvstexas.com
Career Opportunities

Right of Way in North Texas and Beyond

City of Denton
Positions: Real Estate Specialist
Salary: $54,500—$79,500
Qualifications: See Website

Stateside Right-of-Way Services
Positions: Right-of-Way Agent
Salary: Commensurate with Experience/Market
Qualifications: See Website
Send Resume here

Universal Field Services, Inc
Click the following job title to see more details.
- Acquisition Agent
- Relocation Agent
- Quality Assurance/Quality Control Agent

City of Austin
Click the following job title to see more details.
- Real Estate Services Program Manager

Career Center
Search for jobs, post your resume or post an opening at IRWA’s careercenter-jobs.irwaonline.org.

Get Hired
More information on these job listings can be found at IRWAchapter36.org/jobs

Post a Job Listing
Send your job listings to Dorrien Himes at dorrien@pvstexas.com

North Texas News