



IRWA

KACHINA

CHAPTER 28

NEWSLETTER

CHAPTER OFFICERS

**President & 2 Year
International Director**

Mary A.M. Smith
(602) 540-6036
president@irwachapter28.org

1 Year International Director

Karen Williams, SR/WA
(602) 542-8857
Karen.williams@azag.gov

President Elect

Jason Foster
(602) 328-1959
presidenelect@irwachapter28.org

Treasurer

Ken Anderssohn, SR/WA
(602) 328-1959
treasurer@irwachapter28.org
kenanderssohn@mail.maricopa.gov

Secretary

Chris Banks, SR/WA
(602) 604-8118
secretary@irwachapter28.org

**Professional Development
Committee**

Rebekah Louis, SR/WA, R/W-NAC
(602) 236-8195
Rebekah.louis@srpnet.com

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President's Desk—Mary A.M. Smith

September 13, 2011, 50 members and guests attended our Member meeting/luncheon. We thank all of you for attending and the great people who contribute their time an effort on putting together our meetings.

Our guests were Nelle Carlsmith, Maricopa County, Darryl King, Maricopa County, Dan Montilla, self-employed and I understand a great fisherman, and Ray Tyler, Maricopa County Flood Control. We extended an invitation to all to join our Chapter.

Thanks to our speaker, Brian K. Moorehead, SRP who spoke on the SRP Fish Relocation Process/ Invasive Species, and the Quagga mussels threatening to invade our waters.

Congratulations to Kim Romero, Maricopa County, Ken Anderssohn, Maricopa County, and Susie Beall, APS for winning a free Chapter 28 IRWA Course.

Reminders:

In light of the new SR/WA comprehensive exam,

Kaye Bockmann, our Education Chair, has been asked to schedule the SR/WA Review and Test before the end of the year. Please inform any members that have not taken the exam to register as soon as she makes the announcement on our local (irwachapter28.org) and International website (irwaonline.org).

In the next couple of months, we will start receiving invoices for our 2012 dues. This year they will increase for regular member from \$195 to \$205 and SR/WA members from \$210 to \$220. In addition to International dues, our Chapter charges \$15. This year our Board voted not to charge the \$15 in Chapter dues. So your dues will remain \$205 and \$220 without the additional \$15 for Chapter dues. We will also not be charging the retired members the \$15.

Save the date for the **Kachina Chapter 28 Seminar of March 22, 2012.** More news to follow.

The IRWA Chapter 28 Executive Board voted on September 7, 2011 to amend and adopt Amend-

ment #1 to the IRWA Kachina Chapter 28 By-Laws adopted December 8th, 2009, in Phoenix Arizona.

The following was read at the September 13, 2011 Regular Member Meeting: IRWA Chapter 28 shall amend and adopt Article 3 - Meetings, of our Bylaws by adding Section 7 as follows:

Continued on page 2...

NEXT CHAPTER BOARD MEETING

October 5, 2011
4:30pm

Empire West Title Agency
4808 N. 22nd Street, Suite 100
Phoenix, AZ 85016

If you plan of attending please RSVP to:

President@irwachapter28.org

NEXT MEMBER MEETING/LUNCHEON

November 8, 2011
11:30am - 1:00pm

JUMBO Buffet
(Chinese/Sushi)
3414 W. Southern Ave Ste. 168
Phoenix, AZ 85041
[Google Map](#)

\$10.00

Speaker: TBA



PRESIDENTS DESK

...Continued from page 1

Section 7: Use of Electronic Means.
Any meetings as described in Article 3 may be held and business may be conducted by electronic means.

This change will allow for the holding and conducting of business by electronic means (i.e. telephonic, email, Webex) for the following meetings: Regular Member Meetings, Elections, Nomination and Annual Report Meetings, Special Meetings, and Executive Board Meetings. The Amendment will be posted to the Membership by electronic means on September 26, 2011 and October 25, 2011. At the Regular Member Meeting on November 8, 2011, the pro-

posed Amendment #1 will be read and a vote for approval by active members present will be conducted. If two-thirds of the active member present vote "aye", Amendment #1 will be adopted by Kachina Chapter #28 after final approval of the International Right of Way Association.



Announcement

Chapter 28's NEW Newsletter Publisher is Steven Warburton.

Thank you Steven!

Please forward to:

Newsletter@irwachapter28.org
any articles or announcements. The Newsletter will be provided quarterly. You will see your first quarterly issue September 20, 2011 and new issues on December 10, 2011, March 10, 2012, and June 10, 2011.

Thank you,

Mary A.M. Smith

St. Petersburg city employees encourage false real estate appraisals

September 12, 2011

Noah Pransky—WTSP Florida [\(view article online\)](#)



ST PETERSBURG, Florida - Are staffers keeping city leaders in the dark on real estate deals to obtain property faster?

A 10 News Investigation into recent landbuys by the City of St. Petersburg indicates employees in the city's real estate department are influencing the appraisal values of properties they plan on purchasing.

But employees aren't asking local appraisers to underestimate the values of the homes they examine; they're asking for higher-than-market value appraisals. It allows the real estate department to justify meeting holdout homeowners' inflated demands for property.

In recent years, the city has acquired most of the parcels in the Dome Industrial Park area for a job-creating redevelopment project, but a few homeowners have held up the project by refusing to

sell anywhere near market value.

The city's most recent purchase, 2378 7th Ave. S, was valued by the county appraiser at \$26,924. But the seller, a lifelong St. Pete resident whose grandfather built the home, turned down a 2010 offer from the city of \$100,000. In the summer of 2011, she made a counteroffer to the city for \$145,000.

The homeowner, Donna Miller, told 10 News the city's real estate department said it would work with her offer and promised a higher-than-market value appraisal before an appraiser ever came out to the home.

The city hired Certified General Appraiser Robert L. Henderson, who valued the home - sandwiched between I-275 and a cement plant in Midtown at \$130,000. A second appraiser, Scott Seaman, was hired to review the appraisal and verified its legitimacy.

But it had been years since comparable homes in Midtown had sold for anywhere near that much. Henderson arrived at his valuation by ignoring comparable sales in the neighborhood, cherry-picking more expensive sales of rehabbed bungalows in Historic Kenwood, widely considered a superior neighborhood. He also used a number of "unqualified" sales in his comparison, an apples-to-oranges tactic that could earn him serious discipline from the state.

There were more flaws in Henderson's initial appraisal that Frank Gregoire, former chairman of the Florida Real Estate Appraisal Board, called "either the product of gross negligence or intentionally misleading."

"I have serious concerns about the appraisal," Gregoire said, "and the City of St. Petersburg should have serious concerns." Yet Seaman, who was paid by the city's real estate department to give an independent review of the appraisal, failed to acknowledge any of them. Instead, Seaman wrote, "The appraisal is an adequate reflection of the market value of the subject property and (I) concur with the final value conclusion."

Neither Henderson nor Seaman would speak to 10 News about the allegations.

After the city's real estate department got the \$130,000 appraisal reviewed, it suggested to Mayor Bill Foster the city meet Miller's asking price of \$145,000 "due to the subject parcel's location and the protracted acquisition efforts involved." The administration sent the request to city council.

The council approved the \$145,000 sale - plus closing costs and relocation fees - on August 18, 2011. General revenue funds were used to pay what the mayor and council members thought was an 11.5 percent premium on the property. But the pre-

 Continued on page 3...



...Continued from page 2 - St. Petersburg

mium was likely much higher than they realized, since similar properties in Midtown were selling for less than 40 percent of Miller's asking price. But the report from Henderson who had been disciplined by the state before - wasn't the only high appraisal the city had commissioned this summer. A vacant lot (2566 7th Ave S.) sold to the city on Aug. 4 was valued by the county at \$21,282, but the city got an appraisal for \$95,000 - the same price council unanimously agreed to pay for the property. In 2007, at the height of the market, it was only purchased for \$81,000. Another piece of land (2532-2540 7th Ave. S) purchased by the city on Aug. 4 was valued by the county at \$6,386, but an appraiser valued it at \$51,500, the same price council unanimously agreed to pay for it. While some of the more questionable

comparisons in the appraisals should have been noticed by city administrators and council members, there's reason to believe they simply trusted the advice of their real estate department and the two professional appraisers who reviewed the property. And even though city leaders were kept in the dark on some of the information, it's possible it wouldn't have mattered. The city has little leverage in acquiring properties in the Dome Industrial Park area, so paying more-than-market value has become routine, if not necessary. If complaints are filed against Henderson and/or Seaman with the state, each could face discipline including potential reprimand, suspension, or revocation of license. Miller, the homeowner who sold her grandfather's home, said she plans on staying in Midtown in her parents' old

home and wants to donate some of the money she'll make in the sale to local non-profits.

In his review of the appraisal for 10 News, Frank Gregoire did not conduct a full, legal review of the property.

Two follow up articles and video have been published in response to this investigation. These can be found at <http://www.wtsp.com/news/investigators/default.aspx>

Or click on the direct links below:

[Investigators story hot topic at St. Pete Council](#)

[10 News Investigators continue to draw ire of mayor](#)

CHAPTER 28 EDUCATION CALENDAR

NOVEMBER 2011

C200: Principles of Real Estate Negotiations

11/28/11 – 11/29/11

C203: Dispute Resolution

11/30/2011 – 12/1/2011

Facilitator—Joe Pestinger

Coordinator—Mark Keller

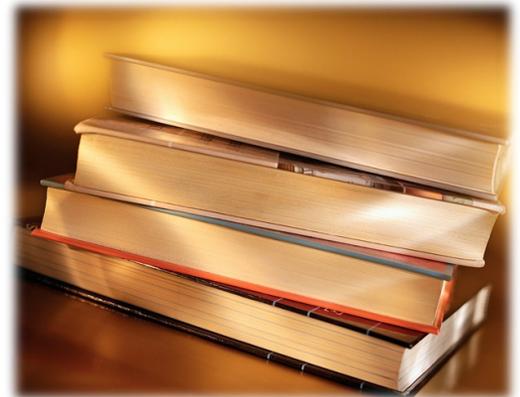
MARCH 2012—Seminar Month

C103: Ethics and the R/W Profession

C417: The Valuation of Environmentally Contaminated Real Estate

MAY 2012

C205: Bargaining Negotiations



Member Announcements

Congratulations to our newest SR/WA's/Certifications

Kenneth R. Anderssohn, SR/WA
Maricopa County Public Works

Sandy McGeorge, R/W-NAC
Town of Queen Creek

Welcome our newest Members

Kevin Kottmer, Maricopa County Public Works

Kimberly Romero, Maricopa County Public Works



Kenneth R. Anderssohn, SR/WA

We are always looking for suggestions for speakers for our member meetings and seminars. If you know someone who would make for an entertaining and informative speaker please contact president@irwachapter28.org





**Principles of Real Estate Law
Course 800**
Hosted By Chapter 73, Southern Arizona
Facilitated by Beverly Francy, SR/WA
President and Designated Broker
Acquisition Sciences II, LLLP
October 3rd and 4th, 2010
8:00 a.m. - 5:00 p.m. daily
Windmill Inn & Suites
4250 North Campbell Avenue
Tucson, AZ 85718

Course Description:

This course is designed to build on the basics of real estate law provided by Course 100, "Principles of Land Acquisition", and to assist right of way agents, property managers and others in collaborating with property owners and attorneys. This introductory level course provides novice employees dealing with real estate issues with basic right of way information, and experienced employees with a broader perspective on legal issues and applicable law.

Topics:

- Real property law overview
- Contract law, introduction to contract law, types of contracts, elements of a contract, termination and discharge of contracts
- Specific real estate contracts, purchase and sale agreement, commercial lease easement agreements, agency agreements
- Tort law in general, specific torts relating to real estate
- Land use controls introduction, restrictive covenants, planning legislation, environmental regulation
- Condominium/common ownership interests introduction, creation of the interest, repair and insurance rights and duties of owners, comparative advantages and disadvantages of various types of ownership

Course Tuition includes:

- Participant's Manual
- Real Estate Dictionary

Who should take this course:

This course is designed for right of way professionals and individuals who need a broader perspective on real estate legal issues and applicable laws that pertain to right of way acquisition and property management.

Register online at:

https://www.irwaonline.org/eweb/ProfilePage.aspx?WebCode=CSCEventInfo5C&evt_key=61fdc900-3db0-4a5a-a191-d6724d5ad3e4

**United States Land Titles
Course 801**
Hosted By Chapter 73, Southern Arizona
Facilitated by Beverly Francy, SR/WA
President and Designated Broker
Acquisition Sciences II, LLLP
October 5th and 6th, 2011
8:00 a.m. - 5:00 p.m. daily
Windmill Inn & Suites
4250 North Campbell Avenue
Tucson, AZ 85718

Course Description:

This course is an intermediate course that builds upon prior professional knowledge and provides participants with information about analysis of abstracts to determine who must execute a conveyance; learn terminology of title estates, covenants, liens, encumbrances, and contracts; and understand the preparation of chains of title from public records.

Topics:

- Public records
- Sources of title information
- Who can hold/transfer title
- Instruments and other means of transferring real estate interests
- When title passes
- Encumbrances
- Title search - developing the chain of title
- How to determine vesting from a chain of title
- How to identify encumbrances and how to clear title
- How to handle special situations - site inspection, discoveries, environmental impacts encroachments, divorce action, leasehold, interest and deaths

Course Tuition includes:

- Participant's Manual
- Real Estate Dictionary

Who should take this course:

This course is recommended for right of way professionals and experienced land titles by profession individuals who are in the process of, or working on, title reports or abstracts of title. This course is not intended for individuals with extensive title company experience.

Register online at:

https://www.irwaonline.org/eweb/ProfilePage.aspx?WebCode=CSCEventInfo5C&evt_key=a837eb10-3d9f-4d05-acfe-efcd6cddb33b



SAVE THE DATE!
APA Arizona Conference
Sept. 28-30, 2011

**“Practical Applications
in Planning”**

The Westin La Paloma Resort & Spa
Tucson, AZ



Planning Professionals:

We are excited to have this year’s APA Arizona Annual Planning Conference in Tucson. We have survived another difficult year of shrinking revenues while our businesses and agencies continue to struggle. However, we do have recent positive news about an upturn in state revenues. It is critical that we maximize the resources we do have and get together to share those resources and help each other succeed. APA Arizona is focused on providing an opportunity to learn about new tools and to review nuts and bolts and get back to basics. This year’s conference sessions will provide wonderful educational opportunities and will be CM credit eligible. This year’s conference tracks are:

- The New Normal and Working Together
- Regional and Rural Planning
- Economic Development & Transportation
- Alternative Energy and Environmental Planning
- Healthy & Sustainable Communities
- Nuts and Bolts

We are extremely pleased with the content that will be presented at this year’s conference and wish to thank the members of the profession who have volunteered to present one of the most impressive collection of sessions we have ever seen. Further, we have enriched the conference experience with two keynote speakers, creative new sponsorship opportunities and a focus on having some fun.

The full conference brochure and registration form/links are available on the website. Click this [link](#) to view all!

We look forward to seeing you in Tucson.

Jon M. Froke, AICP, APA Arizona President

David A. Williams, AICP, Vice President for 2011 Conference

Save the Date

CONDEMNATION SUMMIT IX
FRIDAY, OCTOBER 21, 2011
8:30 AM - 5:00 PM ARIZONA BILTMORE

Hosted by
BRYAN CAVE **MILLER | KRAMER pllc**

Condemnation Summit IX will include informational panels focusing on case law updates for Arizona and around the country; critical negotiation factors to make the most of a mediation; perspectives on eminent domain and real property valuation cases from Arizona Superior and Supreme Court judges; and more. As always, the Summit will include individuals from around Arizona who will share their knowledge, tips and strategies with attendees through an interactive forum. Please save the date and plan to join us for this unique educational and networking opportunity!

For more information please contact: Kendra.leischuck@bryancave.com
Invitation with complete details to follow

DID YOU KNOW???

IRWA currently offers over a dozen courses in an online format and has partnered with the Business Training Library to offer a catalog of skill building classes, which can be used for re-certification credit towards IRWA Certifications and Designations.

IRWA is partnering with Career Web-School (core provider #570, MCE provider #0164) to offer online real estate courses. Specific course approval numbers are listed in the course descriptions on the Career WebSchool website. For more information visit www.irwaonline.org



INTERNATIONAL RIGHT OF WAY ASSOCIATION
SAGUARO CHAPTER 73 PRESENTS:

SURVIVING THE RIGHT OF WAY JUNGLE
TODAY'S CHALLENGES AND TOMORROW'S OPPORTUNITIES

Friday, September 23, 2011
8:30 AM to 5:00 PM
Manning House, 450 W. Paseo Redondo
Registration & continental breakfast begins at 7:30

FEATURED TOPICS

- **THE IMPORTANCE OF INFRASTRUCTURE**
Michael Guyman, Tucson Regional Economic Opportunities (TREC)
- **CAPITAL PROJECTS: WHERE IS THE MONEY TO BUY THE LAND?**
Nanette Slusser, Pima County
- **LAND VALUE ASSESSMENT: WHERE DID ALL THE VALUE GO?**
Bill Staples, Pima County
- **CONDEMNATION TRIALS, SETTLEMENTS, AND LENDER INVOLVEMENT**
Judge Cornelio, Pima County Alternative Dispute Resolution (ADR)
- **ENVIRONMENTAL PLANNING & CULTURAL RESOURCES - THE REAL COSTS OF BUYING RIGHT OF WAY**
Renee Ericson & Michael Steele, Tierra Right of Way Services, Ltd.
- **VALUATION – URBAN CORRIDOR CHALLENGES & OPPORTUNITIES**
Jan Sell, Sell & Associates, Inc.
- **THE MERRY-GO-ROUND OF LIENS, LOANS, AND LANDOWNERS WHEN WE JUST WANT TO CLOSE**
Ken Bock & Rhonda Draper, Title Security Agency of Arizona
- **DECREASING EQUITY, NEGATIVE OWNER EQUITY, AND ITS IMPACT ON ACQUISITION & RELOCATION IN A DECLINING ECONOMY**
George Seeley, Priority Lending
NMLS #182933 NMLS #142706 BK0910846



Special Guest stand-up & Improvisational comic Priscilla Fernandez will provide lunchtime entertainment

Every area within the right of way industry has felt the economic changes of the last couple of years. In our one-day Symposium, **Surviving the Right of Way Jungle: Today's Challenges and Tomorrow's Opportunities** Chapter 73 offers you many discipline-specific solutions to today's challenges as well as the hidden opportunities amidst them.

Join us for several practical, timely, and relevant presentations that will empower you and your employees to succeed in completing projects on time and within budget as our economy recovers.

Stand-up and improvisational comic Priscilla Fernandez – whose day job involves public relations for transportation projects – will entertain us during lunch so that you will be refueled and refreshed for the second half of the day!

Continental breakfast, lunch, and snacks will be provided during this educational day at the historic Manning House in downtown Tucson.

To register, visit
http://www.irwa73.org/2011_Symposium_Registration.htm
or send a check payable to Chapter 73 IRWA to:

George Cardieri
First Year Director, IRWA Chapter 73
Tierra Right of Way Services, Ltd.
1575 E. River Road, Suite 201
Tucson, Arizona 85718

Attendance fees (non refundable):

Student: \$45
Members: \$60 thru 9/1, \$80 after 9/1
Non-Members: \$80 thru 9/1, \$100 after 9/1
Includes breakfast, lunch & snack

A block of hotel rooms have been reserved for our out-of-town guests at the Country Inn & Suites Tucson. Reservations can be made by visiting www.countryinns.com/tucsonaz_citycenter Be sure to enter IRWA in the promotional field on the right hand side of the screen to enjoy the discount. Questions: Call George Cardieri (520) 319-2106

Approved by the Arizona Department of Real Estate for 4 Hours General and 3 Hours of Real Estate Legal Continuing Education Credits!

**&
6 Hours of SR/WA Continuing Education Credits**





Questions of a Right-of-Way Newcomer Nelle Carlsmith—Maricopa County Public Works

Nelle Carlsmith joined the Maricopa County Public Works Real Estate Division team on September 6th and is one of the newest members of the IRWA Chapter 28. We asked Nelle, as a newcomer to the industry, what basic questions she had about the organization.

Joining an organization such as the IRWA is a process of deciding if the organization is the right fit for one's professional needs. Questions like how is the Organization structured, or when does the organization have meetings, and how do members benefit from the membership of IRWA?

IRWA members consist of Acquisition Agents, Appraisers, Environment Professionals, Engineers,

Lawyers, Property Managers, Relocation Assistance Agents, Surveyors, and Title Experts. IRWA is made up of 10 regions and 76 chapters. Chapter 28 is part of Region 1 which consists of 13 chapters within Arizona, Nevada, and California.

Chapter 28 usually meets every other month in the form of a member luncheon/meeting. Region 1 meets twice a year in the spring and the fall, and nationally, IRWA holds annual conferences in various host cities. The local chapter meetings give members an oppor-

tunity to network, and share information about each other's profession. Often times, people cross paths in an IRWA meeting, and reach out to seek the professional services of an IRWA member.

Navigating through the websites of the IRWA, I stumbled upon some of the benefits of becoming a member of the IRWA. IRWA offers courses to gain the International Right of Way Association Certification. "Earning a Certification or Designation will help boost opportunities and salary potential. Certifications and the Designation expand employment opportunities, increases salary potential, boost chances for career advancement and demonstrate professional commitment." IRWA Website, General Career path.



"The local chapter meetings give members an opportunity to network, and share information about each other's profession."

Do you have an idea for a great article? Maybe an article that you've read and would like to share with the Chapter. Is there an announcement you would like to broadcast to your fellow members? Contact

newsletter@irwachapter28.org

Thank you!

OFFBEAT

Pumpkin sprouts from pear tree in southwest Iowa thanks to wayward vine

Sept. 16, 2011 03:54 PM

Reprinted with permission of the Associated Press 2011

GREENFIELD, Iowa - An Iowa couple have discovered an eerie presence in their pear tree, just in time for the approaching Halloween season.

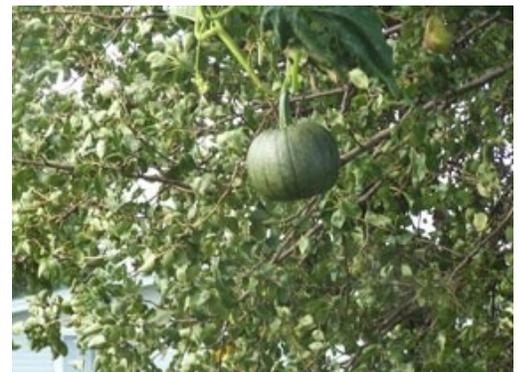
Des Moines television station KCCI reports that Phil and JaNelle Lovely recently discovered a pumpkin that appears to be growing in the tree at their

Greenfield home, 50 miles south of Des Moines.

They say they have no idea how the pumpkin ended up in their tree, but it appears to be the work of mother nature. A nearby garden vine climbed the tree, giving the now -green pumpkin the appearance of having sprouted from one of the

tree's branches. JaNelle Lovely says people have been stopping by to see the suspended pumpkin since it was discovered on Labor day. She is hoping it remains in the tree until it turns orange.

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A photo released by Phil and JaNelle Lovely shows a pumpkin appearing to grow on their pear tree at their Greenfield, Iowa, home.



THE BACKPAGE

**"Those who dream by day are cognizant of many things which escape those who dream only by night."
-Edgar Allan Poe** 

50 Dollars is 50 Dollars!

Morris and his wife Esther went to the state fair every year, and every year Morris would say, 'Esther, I'd like to ride in that helicopter. 'Esther always replied, 'I know Morris, but that helicopter ride is 50 dollars and 50 dollars is 50 dollars.'

One year Esther and Morris went to the fair, and Morris said, 'Esther I'm 85 years old. if I don't ride that helicopter, I might never get another chance.' Esther replied, 'Morris that helicopter is 50 dollars and 50 dollars is 50 dollars.' The pilot over heard the couple and said, 'folks I'll make you a deal. I'll take the both of you for a ride; if you can stay quiet for the entire ride and not say a word I won't charge you! but if you say one word, it's 50 dollars.'

Morris and Esther agreed and up they went. the pilot did all kinds of fancy maneuvers, but not a word was heard. he did his dare devil tricks over and over again, but still not a word. When they landed, the pilot turned to Morris and said, 'by golly, I did everything I could to get you to yell out, but you didn't . I'm impressed!'

Morris replied, 'well I almost said something when Esther fell out, but, you know, 50 dollars is 50 dollars!' 

GREEN TIPS

- When going to an ATM, "Pay at the Pump" gas station or Starbucks ... say "no" to a receipt. You'll save tons of paper.
- Here's a great idea for towels, pillows, blankets, jackets and coats (even furs) that aren't in good enough shape to either use or donate to a thrift store ... donate them to an animal shelter or Humane Society. They'll use them for bedding, baths, etc.
- Rather than defrosting food on the counter or using a microwave, plan ahead and defrost food in the refrigerator. It'll take a little longer ... but it will lower the temperature of the refrigerator and ... save energy.
- Receive and pay your bills online ... and, rather than print out the receipt or confirmation ... save it to a file where it will be accessible if you need it. You'll save time, a stamp and paper.
- Get a few houseplants ... they'll clean up the air and decorate your home.
- Rather than buy bagged vegetables from the grocery store ... buy whole vegetables. Bagged veggies, like salad mixes, are washed using ... yep ... you guessed it ... chlorine. Chlorine causes all kinds of environmental problems. 

-Small Footprints , Asheville, North Carolina, United States

POINTS TO PONDER

"Wouldn't it be nice if whenever we messed up our life we could simply press 'Ctrl Alt Delete' and start all over"

"Don't argue with an idiot; people watching may not be able to tell the difference."

"How come we choose from just two people to run for president and over fifty for Miss America?"

"Life is like a roll of toilet paper. The closer it gets to the end, the faster it goes."

SHARE YOUR STORY

Have you had a Right-of-Way experience that may be helpful, informative or simply humorous? Share your story with your fellow IRWA members in our next Chapter 28 Newsletter.

Email to:

newsletter@irwchapter28.org

Have a joke, quote or tip for the back page? Contact:

newsletter@irwchapter28.org

www.irwchapter28.org



Steven F. Warburton, SR/WA, Publisher