

**MEETING OF THE LAND SURVEYOR TECHNICAL ADVISORY COMMITTEE
OF THE BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND
GEOLOGISTS**

**California Department of General Services
3737 Main Street, Second Floor Conference Room
Riverside, CA 92501**

Tuesday, August 27, 2013, 1:00 p.m.

LAND SURVEYOR TECHNICAL ADVISORY COMMITTEE

Members:	Michael S. Butcher, PLS; Michael B. Emmons, PLS; Paul J. Enneking, PLS; William Hofferber Jr., PLS	
Board Liaisons:	Patrick J. Tami, PLS;	
Staff Liaison:	Raymond L. Mathe, PLS	

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1. Roll Call

2. Election of 2013/2014 Chairman and Vice-Chairman

PUBLIC COMMENT

Time is allotted during the meeting to provide members of the public with an opportunity to address the Board. The time allotted for each member of the public to address the Board may be limited by the Board based on the number of individuals wishing to speak.

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It is requested that the speakers stand or come forward as they are recognized to speak. It is also requested, but not required, that the speakers give their names and any organizations they represent.

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The public may speak on items on the agenda during the Public Comment item or when the specific item comes up for discussion by the Board. If the Board does not notice a person's request to speak during discussion of an item, it is not a deliberate attempt to limit comment. It is sometimes difficult to notice a raised hand in a meeting room. If the Board does not notice you at first, please stand so that you may be recognized to speak.

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The public may speak on items not on the agenda; however, the Board may not discuss or take action on such items at this meeting. Board members cannot engage in dialogue, other than to request clarification from the speaker, regarding items not on the agenda due to constraints imposed by law. The Board may direct staff to follow up on the item with the speaker or may direct that the item be placed on the agenda of a future meeting for discussion.

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The Board asks that you not discuss a pending application or a disciplinary complaint matter because the Board members will be the "judges" who ultimately decide the matter, and, by law, they are not permitted to receive information that is not part of the official administrative record in the matter. Any issues relating to such matters should be addressed in writing to the Board's Executive Officer. If a person attempts to speak on such a matter, the person will be instructed to refrain from making further comments.

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If a person becomes disruptive, the person will be requested to cease the disruptive behavior. If the person fails to do so, the Board is allowed by law to request that the person leave the meeting and may even have the person removed if he or she fails to leave.

**MEETING OF THE LAND SURVEYING TECHNICAL ADVISORY COMMITTEE
OF THE BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS,
AND GEOLOGISTS**

**2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833
(916) 263-2222**

Friday, April 12, 2013, 10:00 A.M.

TAC Members Present: Michael S. Butcher, PLS; Paul J. Enneking, PLS; William Hofferber Jr., P.L.S.

TAC Members Absent: Michael B. Emmons, PLS

Board Liaisons Present: Patrick J. Tami, P.L.S.

TAC Staff Present: Ric Moore, PLS, (Executive Officer); Raymond L. Mathe, PLS; Nancy Eissler (Enforcement Manager); Jennifer Cooley (Staff Liaison); Gary Duke (Legal Counsel)

1. Roll Call

The meeting was called to order by Mr. Butcher at 10:07 a.m. Roll Call was taken, and a quorum established.

2. Public Comment

None

3. Approval of LS TAC Minutes, July 6 and October 19, 2012

Approve with correction to the October 19, 2012 minutes to list Mr. Duke as present and "none" for public comment and the July 6, 2012 minutes to list Mr. Duke as present.

MOTION: Mr. Hofferber and Mr. Enneking moved to approve.

VOTE: 3-0, Motion carried

4. Update on Administrative Workgroup status for Board Rule 425(c) and (d) regarding Criteria for Responsible Training for applicants

The Administrative Workgroup met and reviewed actual candidate applications and discussed Board Rule 425 in relationship to those applications. They will meet again to develop suggested revisions to 425. In addition Mr. Mathe also received a letter from David Woolley with suggested revisions to 425. He will bring those suggestions to the Administrative Workgroup.

Mr. Emmons provided comments in writing that were read into record. Mr. Hofferber indicated that 8726 seems to be well defined whereas 425 is too broad. The practice of land surveying is becoming more specialized.

Mr. Butcher reviewed 425 (c) and (d) and also (b) and the application instructions. When he reviewed 425 and field training, it requires experience to be “under the responsible charge” implying mentorship and direction. The Engagement Record Reference and Application instructions indicate being in a lead position directly and responsibly in four or more of the activities. He believes there are inconsistencies in the instructions and the application.

Mr. Mathe pointed out that the Engagement Form deals with the tenure of their engagement. It covers the entire breadth of their experience. In 425 (c) and (d) they are addressing the specific years required for field and office. Mr. Moore noted that 425 (b) addresses the rest of the experience.

Mr. Butcher suggested that it would be beneficial to include percentages on the Engagement Record and Reference form. Mr. Mathe pointed out there is an emphasis on the professional reference for those coming into the profession. Some take it lightly and misunderstand it and not carefully reading the engagement form.

Mr. Butcher noted that in 425 (c) responsible field training, he believes that out of 1 through 12, only 6, 7, and 12 are solely in the field; all the others can be performed in the office. Mr. Hofferber indicated that some can be both. Many under field may be done in the office as well because of the available technology.

Mr. Butcher inquired if it is a goal to have true field experience in boundary work. It seems that applicants could gain field experience without ever going into the field. Mr. Mathe indicated that it is not an all-inclusive or exclusive list. The intent is that they have obtained this experience in the field environment. Mr. Moore explained that Business and Professions Code 8742 (a)(2) requires six years for broad based progressive experience including one year of responsible field training and one year of responsible office training satisfactory to the Board. He added that 425 (c) and (d) are intended to define those parameters. He added that older candidate applications can be brought to the next meeting from those who have already achieved licensure to review and to determine the trends from twenty years ago to where they are now to assist with Board Rule 425. Also, this will help ensure that applications are being reviewed in a consistent manner. The results would be brought back to the TAC then recommendations to the Board. Mr. Tami also questioned whether the distinction between field and office experience is still needed. Mr. Moore does not believe it would be conducive to rely solely on references. Mr. Mathe suggested the references really need to understand what they are signing. The log book can help candidates document their experience. References need to confirm the applicant is ready to be a professional and to protect the public and profession.

Mr. Hofferber inquired if there has been any research as far as having an internship, possibly test first and then have two years of internship, one in the field and in the office where there was criteria to meet, requisites such as boundaries, drafting, records of surveys, right-of-way maps, legal descriptions, etc.; test first and gain the two years of experience afterwards before the license is issued. Mr. Moore indicated that it is reasonable to consider this idea.

5. **Review the Subdivision Map Act (SMA) and Professional Land Surveyors' Act pertaining to the surveyor responsibility for monuments shown to be set on maps and recommend revisions, if deemed necessary**

Mr. Moore read Mr. Emmons' comments into record. Mr. Emmons believes the language in the Subdivision Map Act is ambiguous in that it is not clear what responsibility the surveyor has to set monuments. His belief is that the original surveyor had the responsibility unless they released their obligation to another surveyor. Mr. Emmons suggested that the language be amended to state the only person who can set the monuments on the map is the surveyor of record. There should be provisions to release that obligation to another, but it must be requested by the Surveyor of Record.

Mr. Mathe indicated that the County Board of Supervisors or City Council is the delegated authority for operational needs. Mr. Butcher indicated that it appears the original surveyor has the right of refusal, in that he may refuse to set them, but he has the obligation which he can release to another surveyor. Mr. Butcher wondered if a letter mandated if the circumstance does not involve death, disability, or retirement. Mr. Mathe explained that a surveyor can file a mechanics lien but that can be problematic if there is a bankruptcy or foreclosure. Mr. Butcher thinks the language should be clarified as well. Mr. Mathe reported that some agencies seem to think they are responsible for making sure the first surveyor was compensated for all other work. He believes that in reference to the setting of the monuments, the agency does not have a right to know if the surveyor was paid for design work he did.

Mr. Tami noted that there seems to be a consensus that the surveyor can be replaced; the surveyor does not have to send a letter but is still responsible for the monuments being set, and that there is no requirement for them to be paid. Mr. Mathe added that if they do set the monuments, they do have a right to any bond money.

Mr. Tami inquired if original surveyor is not dead, disabled, or retired and wants to set the monuments, can he be replaced. Mr. Mathe explained that they can but there is no guarantee of pay. In his opinion, the first sentence is enabling to the legislative body and not to the surveyor or the developer.

6. **Review Corner Record requirements as specified in Board Rule 464 for possible changes**

Lee Hixon, representing EBMUD, reported that corner records have changed over the years. He believes there are more agencies that are being more responsible about construction projects and preserving monuments. Almost all of their corner records that they have done were for the purpose of monument preservation. He explained that the check boxes no longer fit and do not cover all situations. While they usually check mark the box "left as found" it does not signify what was done when they set reference points. He suggested having a box for reference. In addition, the technology has changed in that the grid should be optional as he believes that most corner records are done using CAD; also, the lines on the form cause problems when input is done on a computer. Mr. Hixon prefers the word "monument" in lieu of "corner". In addition, he suggested some wording/grammar changes.

Mr. Mathe read Mr. Emmons comments into record. Mr. Emmons discussed this issue with the surveyor policy committee, CEAC, and the League of California Surveying

Organizations and most felt that the corner record is sufficient as drawn and should not be changed.

Mr. Enneking indicated that Mr. Hixon's recommendations seem logical to him. He pointed out that surveyors do not feel obligated to leave the grid simply because it is on the Corner Record when they generate the form in CAD.

Mr. Hofferber commended Mr. Hixon for the work he is doing. He likes the open and narrative format that he suggested.

Ms. Eissler explained the rulemaking process. The Corner Record form is specified in regulation. Any changes to the form would have to go through the formal rulemaking process. In going through the formal rulemaking process to change what information is required to be included on the form, it gives the public an opportunity to provide comments. Those comments must be considered; however, the Board does not have to accept them, but they have to have valid reasons for rejecting them. The Board would decide what information would be included on the form. There is review by the Office of Administrative Law and they ensure certain requirements are met, such as if the Board has the legal authority, is the language clear, and the economic impact if the forms are to be reprinted.

7. Update on technical and professional societies' legislative activities

A discussion was had among all TAC members regarding other societies' legislative activities. Mr. Butcher stated there is a resolution on the Senate floor for a National Surveyors Week, which was March 17 – 23.

Mr. Enneking relayed that ACEC is proposing legislation to require public agencies to include license numbers on monument tags and discussion followed about the possible implications if the legislation passes.

8. Report on December 7, 2012; January 31, 2013; and March 7, 2013, Board Meetings

Mr. Mathe reported that the Board directed staff to administer the State Land Surveyor exam twice per year. Mr. Tami added the National exam is "closed book," and candidates will be supplied a reference book.

9. Review 2012/2013 LSTAC Workplan

No comments were made about the workplan.

10. Date of Next TAC Meeting

The next LS TAC meeting is scheduled for August 23, 2013.

11. Other Business Not Requiring Committee Action

Mr. Enneking proposed the possibility of a 5th TAC member. Ms. Eissler indicated the Board can reappoint TAC members at the June Board meeting.

12. Adjourn

Meeting adjourned at 12:39 PM.

PUBLIC PRESENT
Roger Hanlin, CLSA
R. Lee Hixson

DRAFT

5. Review Corner Record requirements as specified in Board Rule 464 for possible changes (Possible Action))

CORNER RECORD

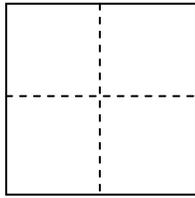
Agency Index _____

Document Number _____

County of _____, California

City of _____

Brief Legal Description _____



CORNER TYPE

Government Corner Control
 Meander Property
 Rancho Other

Date of Survey _____

COORDINATES(Optional)

N. _____

E. _____

Zone _____ NAD27 NAD83

NAD83 Epoch _____

Elev. _____

Vert. Datum: NGVD29 NAV88

Meas. Units: Metric Imperial

PLS Act Ref.: 8765(d) 8771(b) 8773 Other _____

Corner: Left as found Established Rebuilt Pre-Construction
 Found and tagged Reestablished Referenced Post-Construction

Narrative of corner identified and monument as found and set or reset:

See sheet #2 for description(s):

SURVEYOR'S STATEMENT

This Corner Record was prepared by me or under my direction in conformance with the Professional Land Surveyor's Act on _____, _____.

Signed _____ P.L.S. or R.C.E. No. _____

COUNTY SURVEYOR'S STATEMENT

This Corner Record was received _____, _____ and examined and filed _____, _____.

Signed _____ P.L.S. or R.C.E. No. _____

Title _____

County Surveyor's Comment _____

Document Number

Agency Index

Document Number	Agency Index
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6. Update on Administrative Task Force status for Board Rule 425(c) and (d) regarding Criteria for Responsible Training for applicants (Possible Action)

7. Update on technical and professional societies' legislative activities (Discussion Only)

8. Report on April 18 and June 13, 2013, Board Meetings (If necessary)

9. Proposed 2013/2014 LSTAC Workplan (Possible Action)

**BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS**

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**PROPOSED
WORK PLAN
TECHNICAL ADVISORY COMMITTEE (PROFESSIONAL LAND SURVEYOR)****INTRODUCTION**

TAC (PLS) recognizes its position as an advisory committee to the Board, providing input to the liaison Board members on matters requested by the Board for Professional Engineers and Land Surveyors. The input may take the form of assistance to Board staff, direct assistance to the liaison Board members, or recommendations made directly to the Board in the form of proposed motions or recommendations. In all cases, the focus of the activities of the TAC (PLS) will be in the interest of safeguarding property and public welfare.

YEAR PLAN

1. To assist the Board staff in the review of applications for licensure as a Professional Land Surveyor.
2. To help clarify "gray" areas in the existing laws, rules, and regulations regarding the practice of land surveying and make recommendations for handling and/or revising the laws, rules, and regulations, where appropriate.
3. To aid in formulating suggested procedures, information required, and questions to be asked with regard to enforcement issues relating to the practice of land surveying, and to advise the Board staff upon review of such enforcement cases.
4. To meet in closed session to address specific consumer and inter-professional complaints, and make recommendations to the Board regarding their solutions.
5. To review proposed legislation that would affect the practice of land surveying.
6. To review ABET matters regarding the practice of land surveying when referred by the Board.
7. To assist with any National Council of Examiners for Engineering and Surveying (NCEES) matters regarding land surveying when referred by the Board.
8. To coordinate with the Board's other Technical Advisory Committees as required by the Board.
9. To assist Board staff with recommended changes to Corner Record requirements as specified in Board Rule 464.
10. To assist Board staff in the review of Board Rule 425 - Responsible training and educational requirements and make recommended changes to meet practice standards.

10. Date of Next TAC Meeting

11. Other Business Not Requiring Committee Action

12. Adjourn