FROM THE PRESIDENT, Tom Webb, P.L.S.

Who’s in Charge Here?

Professional seals are at the heart of what the Board of Registration does: conferring the right to use the seal on those who have demonstrated competence or removing that right from those who have misused it. Certainly, for practitioners, getting and keeping their seal is the source of the most intense interactions between them and the board. The seal is the tangible symbol of professional services that the public seeks out and is willing to pay for.

The value of the seal to its owner is obvious. Yet the board must deal with complaints involving registrants who seal work the preparation of which they were not adequately involved in. Issues of responsible charge arise from the public’s right to trust that the professional who seals it in fact prepared the sealed work they paid for. Board Rule, Article 3, H, provides that “responsible charge shall be of such a nature that the client may reasonably presume that the registered engineer or land surveyor of the firm which he has employed is the provider of the professional services.”

As a surveyor, my concern is with boundary survey plats sealed by surveyors who have not exercised responsible charge over the work shown on the plat. Apparently, some companies send crews of unlicensed personnel to complete boundary surveys at distant locations and the registrant who seals the plat never visits the site. I am not referring to the use of Land Surveyors in Training. They are supposed to act in the place of the registered land surveyor subject to close review. That is how they gain their professional experience. I am talking about entrusting boundary surveys to employees who have not yet reached the LSIT rung on the ladder to professional registration.

It has been explained to me that “economics” do not permit a registrant to “waste” a day or two in the field with the crew in some distant little town. I have also read that today’s professional surveyor is a “cognitive worker” who should stay firmly seated at his or her computer and only review field work, plats and legal descriptions prepared by less exalted members of the staff. Of course, I have also heard from surveyors in small communities who periodically suffer a visitation from a crew of unlicensed folks who do a one stop survey and depart back to the big city leaving the locals to clear up any resulting confusion.

We all know the great economic pressure on surveyors today, but this issue goes to very justification for professional registration. All surveyors should know by now that the Minimum Standards explicitly require that the field work be done under the “personal direction” of the registrant (3.2A) and that he or she shall “confirm” the prior location of corner monumentation (3.2E, 1).

There is a lot of talk at our conferences and in publications about the importance of evaluating corner evidence. Those of us with licenses would like to feel that we have a very special ability to detect and judge subtle traces of monuments and occupation. And we certainly hope that all our potential clients believe that we possess this very valuable professional capability. Yet how do we bring these skills to bear if we never go on the site? Are these skills any more than myths if we entrust the search for corner evidence to a good ol’ boy who has shown some ability at construction staking and is willing to travel? If almost anybody can do this work, why require a license?

To those registrants who believe that this is an acceptable practice, I pose two questions. First, when you contract with your client, do you make them aware that a licensed professional is NOT going to visit the property they have hired you to survey? Secondly, suppose a client called you up after you had sealed a survey of their property without visiting it and said they were going to sue you for a bungled survey. Would you then conclude that it was time to visit the site?

... or would you continue to believe there was nothing of value to discover there?

NOTICE TO ALL SURVEYORS!!!

The grace period for filing of old surveys ends on October 5, 2002!!! Please read the notice located on the last page of this newsletter for additional information.
THE DIRECTORS CORNER
by J.T. Clements, Jr.

Change, change and more change! The first change was to our laws, by the legislature in the last session. The next change was a "rule change" which becomes effective on April 5, 2002. This second change experienced a "hiccup" during the process when the Rules Committee of the Legislative Council "recommended" that the fee schedule be retained in the rules. This was done as recommended. Now we are doing another "rule change" to revise the fee schedule. We have experienced increases in the cost of grading the examinations and we anticipate future increases beginning with the October 2004 administration of the examinations. For example, we are charged $5.00 for each exam booklet and $95.00 for each Principles and Practice of Engineering exam that is graded for a total of $100.00. Beginning with the October 2004 administration, the cost of grading an exam will be $125.00 plus the $5.00 for the booklet, for a total of $130.00. Our present fee for this exam is $70.00. The fees in the proposed schedule are limits within which the Board may establish current fees that are closer to our experienced cost and which will accommodate future increases in costs from the National Council. In the above example, the proposed "not to exceed" cost for the P&PE exam is $300.00 whereas the suggested fee at present would be $125.00 and would become $160.00 beginning with the October 2004 administration. The proposed rules change should be posted on our website by the time you read this newsletter. Look the limits over and if you have a comment, please let us know what it is. The primary objective in establishing the "not-to-exceed" schedule is so that the Board may adjust the current fees in a timely manner without the necessity of going through a formal rule change process each time the costs are increased.

NEW PROFESSIONAL ENGINEER REGISTRANTS
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ATTENTION ALL SURVEYORS!!!!
Your time is running out for late filing of surveys without penalty

According to Article 16.A (second paragraph), which states:

"Further, for any survey completed subsequent to May 8, 1992 and prior to the effective date of this rule change, where the plat has not been filed with the State Surveyor, a copy of this plat may be filed with the State Surveyor within 6 months of the effective date of this rule change without penalty. Second, effective 6 months after the effective date of this rule change, any complaint filed with the State Surveyor’s office or the board against a surveyor for any reason shall automatically authorize the state surveyor to investigate the subject surveyor's compliance with Section 3.3.C.2 Minimum Standards, requiring the filing of plats with his office. Violations of Section 3.3.C.2 shall become part of the original complaint or may, at the discretion of the board, constitute a complaint in their own right. Each plat which is found not to have been properly filed shall constitute a separate violation. Each violation shall be punished by a penalty of no more than $100.00."

All Surveyors, in addition to current filing requirements, must now file their surveys with the State Land Surveyors office. You have a six (6) month window/grace period from the effective date (April 5, 2002) of this rule change to comply with the new rule and avoid potential disciplinary action. Second, if a complaint is brought against a surveyor after this window closes, the State Surveyor is authorized to investigate whether you are in compliance with the filing requirement.

Please contact the State Land Surveyors office (501) 324-9168 for additional information.