

State of California

Business and Professions Code
Division 3. Professions and Vocations Generally
Chapter 15. Land Surveyors

(Professional Land Surveyors' Act)

[Land Surveyors' Act](#)

And

Code of Regulations
Title 16. Professional and Vocational Regulations
Division 5. Board for Professional Engineers and Land Surveyors

**(Rules of the Board for Professional
Engineers and Land Surveyors)**

[Board Rules](#)

April, 2008

State of California

Business and Professions Code

Division 3. Professions and Vocations Generally

Chapter 15. Land Surveyors

- Article 1. General Provisions [8700](#)-8708
- Article 2. Administration [8710](#)-8715.4
- Article 2.3. Land Surveyors Review Committees [8720](#)-8720.6
- Article 3. Application of the Chapter [8725](#)-8731
- Article 4. Issuance of License [8740](#)-8759
- Article 5. Surveying Practice [8760](#)-8774.5
- Article 5.5. Photogrammetry [8775](#)-8775.3
- Article 5.7. Reporting Requirements [8776](#)-8776.7
- Article 6. Disciplinary Proceedings [8780](#)-8785
- Article 7. Offenses Against the Chapter [8790](#)-8792
- Article 8. Revenue [8800](#)-8805

(Professional Land Surveyors' Act)

[Board Rules](#)

[Land Surveyors' Act](#)

8700. This chapter may be cited as the Professional Land Surveyors' Act. Whenever reference is made to the Land Surveyors' Act by any statute, it shall be construed as referring to the Professional Land Surveyors' Act.

8701. "Professional land surveyor" refers to one who practices or offers to practice land surveying. Whenever reference is made to a land surveyor by any statute, it shall be construed as referring to a professional land surveyor.

8702. "Director" refers to the Director of Consumer Affairs.

8703. The phrase "responsible charge of work" means the independent control and direction, by the use of initiative, skill, and independent judgment, of the observations, measurements, and descriptions involved in land surveying work. The phrase does not refer to the concept of financial liability.

8704. Any person practices land surveying when he professes to be a land surveyor or is in responsible charge of land surveying work.

8705. A subordinate is any person directly supervised by a licensed land surveyor or registered civil engineer and who assists a licensed land surveyor or registered civil engineer in the practice of land surveying without assuming responsible charge of work.

8706. "Board" refers to the Board for Professional Engineers and Land Surveyors.

8707. "Executive officer" refers to the executive officer of the board.

8708. In order to safeguard property and public welfare, no person shall practice land surveying unless appropriately licensed or specifically exempted from licensure under this chapter, and only persons licensed under this chapter shall be entitled to take and use the titles "licensed land surveyor," "professional land surveyor," or "land surveyor," or any combination of these words, phrases, or abbreviations thereof.

[Land Surveyors' Act](#)

8710. (a) The Board for Professional Engineers and Land Surveyors is vested with power to administer the provisions and requirements of this chapter, and may make and enforce rules and regulations that are reasonably necessary to carry out its provisions.
- (b) The board may adopt rules and regulations of professional conduct that are not inconsistent with state and federal law. The rules and regulations may include definitions of incompetence and negligence. Every person who holds a license or certificate issued by the board pursuant to this chapter, or a license or certificate issued to a civil engineer pursuant to Chapter 7 (commencing with Section 6700), shall be governed by these rules and regulations.
- (c) This section shall become inoperative on July 1, 2011, and, as of January 1, 2012, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2012, deletes or extends the dates on which it becomes inoperative and is repealed. The repeal of this section shall render the board subject to the review required by Division 1.2 (commencing with Section 473).

8710.1. Protection of the public shall be the highest priority for the Board for Professional Engineers and Land Surveyors in exercising its licensing, regulatory, and disciplinary functions. Whenever protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

8711. The executive officer of the board shall keep a complete record of all applications for license and the board's action thereon.

8712. The board shall compile and maintain, or may have compiled and maintained on its behalf, a register of all licensed land surveyors that includes the following information for each licensee:

- (a) Name.
- (b) Address of record.
- (c) Type of branch license.
- (d) License number.
- (e) The date the license was issued.
- (f) The date the license will expire.

8713. The department may employ such clerical assistance under civil service regulations as may be necessary properly to carry out and enforce the provisions of this chapter.

8715. The board may establish licensed land surveyor technical advisory committees to advise and assist the board with respect to the following:

- (1) The review and verification of applications for licensure.
- (2) The evaluation and investigation of potential violations of this chapter.
- (3) The amendment, repeal, adoption, or revision of board rules, regulations, policies, or procedures.

8715.1. Each member of each technical advisory committee shall be appointed by the board and shall serve at the pleasure of the board. Each committee shall be composed of no more than five members.

8715.2. Each member of each technical advisory committee shall be licensed under this chapter.

8715.3. All members of each technical advisory committee shall serve without compensation but shall receive per diem and expenses as provided in Section 103.

8715.4. Each member of each technical advisory committee shall be granted the same immunity as is granted to a public employee pursuant to Article 3 (commencing with Section 820) of Chapter 1 of Part 2 of Division 3.6 of Title 1 of the Government Code.

[Land Surveyors' Act](#)

8720. The board, when it deems necessary, may establish land surveyors review committees to hear all matters assigned by the board, including, but not limited to, any contested case which is assigned by the board. Each committee shall exist so long as the board deems that it is necessary.

8720.1. Each review committee shall consist of no fewer than three licensed land surveyors appointed by the board. Each member of a committee shall have the same qualifications and shall be subject to the same rules and regulations as if he were a member of the board.

8720.2. Each member of a committee shall receive a per diem and expenses as provided in Section 103.

8720.3. Except as otherwise provided in this article, all hearings which are conducted by a committee shall be conducted in accordance with the provisions of Chapter 4 (commencing with Section 11370), Chapter 4.5 (commencing with Section 11400), and Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code. If a contested case is heard by a committee, the hearing officer who presided at the hearing shall be present during the committee's consideration of the case and, if requested, shall assist and advise the committee.

8720.4. At the conclusion of any hearing which is conducted by a committee, the committee shall prepare a proposed decision, in such form that it may be adopted by the board as the decision in the case, and shall transmit it to the board. The proposed decision shall be subject to the same procedure as the proposed decision of a hearing officer under subdivisions (b) and (c) of Section 11517 of the Government Code.

8720.5. The board may adopt, amend, or repeal, in accordance with the provisions of Chapter 3.5 (commencing with Section 11340), Part 1, Division 3, Title 2 of the Government Code, rules and regulations necessary to implement the provisions of this article.

8720.6. Each member of a land surveyors review committee or other board-appointed committee and any board-appointed representative of the board shall be granted the same immunity as is granted to a public employee pursuant to Article 3 (commencing with Section 820) of Chapter 1 of Part 2 of Division 3.6 of Title 1 of the Government Code.

[Land Surveyors' Act](#)

8725. Any person practicing, or offering to practice, land surveying in this state shall submit evidence that he or she is qualified to practice and shall be licensed under this chapter. It is unlawful for any person to practice, offer to practice, or represent himself or herself, as a land surveyor in this state, or to set, reset, replace, or remove any survey monument on land in which he or she has no legal interest, unless he or she has been licensed or specifically exempted from licensing under this chapter.

8726. A person, including any person employed by the state or by a city, county, or city and county within the state, practices land surveying within the meaning of this chapter who, either in a public or private capacity, does or offers to do any one or more of the following:

- (a) Locates, relocates, establishes, reestablishes, or retraces the alignment or elevation for any of the fixed works embraced within the practice of civil engineering, as described in Section 6731.
- (b) Determines the configuration or contour of the earth's surface, or the position of fixed objects above, on, or below the surface of the earth by applying the principles of mathematics or photogrammetry.
- (c) Locates, relocates, establishes, reestablishes, or retraces any property line or boundary of any parcel of land, right-of-way, easement, or alignment of those lines or boundaries.
- (d) Makes any survey for the subdivision or resubdivision of any tract of land. For the purposes of this subdivision, the term "subdivision" or "resubdivision" shall be defined to include, but not be limited to, the definition in the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7 of the Government Code) or the Subdivided Lands Law (Chapter 1 (commencing with Section 11000) of Part 2 of Division 4 of this code).
- (e) By the use of the principles of land surveying determines the position for any monument or reference point which marks a property line, boundary, or corner, or sets, resets, or replaces any monument or reference point.
- (f) Geodetic or cadastral surveying. As used in this chapter, geodetic surveying means performing surveys, in which account is taken of the figure and size of the earth to determine or predetermine the horizontal or vertical positions of fixed objects thereon or related thereto, geodetic control points, monuments, or stations for use in the practice of land surveying or for stating the position of fixed objects, geodetic control points, monuments, or stations by California Coordinate System coordinates.
- (g) Determines the information shown or to be shown on any map or document prepared or furnished in connection with any one or more of the functions described in subdivisions (a), (b), (c), (d), (e), and (f).

- (h) Indicates, in any capacity or in any manner, by the use of the title "land surveyor" or by any other title or by any other representation that he or she practices or offers to practice land surveying in any of its branches.
- (i) Procures or offers to procure land surveying work for himself, herself, or others.
- (j) Manages, or conducts as manager, proprietor, or agent, any place of business from which land surveying work is solicited, performed, or practiced.
- (k) Coordinates the work of professional, technical, or special consultants in connection with the activities authorized by this chapter.
- (l) Determines the information shown or to be shown within the description of any deed, trust deed, or other title document prepared for the purpose of describing the limit of real property in connection with any one or more of the functions described in subdivisions (a) to (f), inclusive.
- (m) Creates, prepares, or modifies electronic or computerized data in the performance of the activities described in subdivisions (a), (b), (c), (d), (e), (f), (k), and (l).
- (n) Renders a statement regarding the accuracy of maps or measured survey data. Any department or agency of the state or any city, county, or city and county that has an unregistered person in responsible charge of land surveying work on January 1, 1986, shall be exempt from the requirement that the person be licensed as a land surveyor until the person currently in responsible charge is replaced. The review, approval, or examination by a governmental entity of documents prepared or performed pursuant to this section shall be done by, or under the direct supervision of, a person authorized to practice land surveying.

8726.1. Any licensed land surveyor may offer to practice, procure, and offer to procure civil engineering work incidental to his or her land surveying practice, even though he or she is not authorized to perform such work, provided all such civil engineering work is performed by or under the direction of a registered civil engineer. Further, any licensed land surveyor may manage or conduct as manager, proprietor, or agent, a land surveying practice which offers to practice, procure, and offers to procure, such incidental civil engineering work.

8726.2. A licensed land surveyor may also perform land planning in connection with the land surveying activities authorized by this chapter.

8727. Surveys made exclusively for geological or landscaping purposes, which do not involve the determination of any property line do not constitute surveying within the meaning of this chapter.

8728. Surveys authorized under this chapter do not include the design, either in whole or in part, of any structure or fixed works embraced within the practice of civil engineering.

8729. (a) This chapter does not prohibit one or more licensed land surveyors or civil engineers licensed in this state prior to 1982 (hereinafter called civil engineers) from practicing or offering to practice within the scope of their licensure, land surveying as a sole proprietorship, partnership, firm, or corporation (hereinafter called business), if the following conditions are satisfied:

- (1) A land surveyor or civil engineer currently licensed in the state is an owner, partner, or officer in charge of the land surveying practice of the business.

- (2) All land surveying services are performed by or under the responsible charge of a land surveyor or civil engineer.
 - (3) If the business name of a California land surveying business contains the name of a person, then that person shall be licensed by the board as a land surveyor or licensed by the board in any year as a civil engineer. Any offer, promotion, or advertisement by the business that contains the name of any individual in the business, other than by use of the name of the individual in the business name, shall clearly and specifically designate the license discipline of each individual named.
- (b) An out-of-state business with a branch office in this state shall meet the requirements of subdivision (a) and shall have an owner, partner, or officer who is in charge of the land surveying work in this state, who is licensed in this state, and who is physically present at the branch office in this state on a regular basis. However, the name of the business may contain the name of a person not licensed in this state, if that person is appropriately licensed or registered in another state. Any offer, promotion, or advertisement that contains the name of any individual in the business, other than by use of the name of the individual in the business name, shall clearly and specifically designate the license or registration discipline of each individual named.
 - (c) The business name of a California land surveying business may be a fictitious name. However, if the fictitious name includes the names of any person, the requirements of paragraph (3) of subdivision (a) shall be met.
 - (d) A person not licensed under this chapter or licensed as a civil engineer in this state prior to 1982 may also be a partner or an officer of a land surveying business if the conditions of subdivision (a) are satisfied. Nothing in this section shall be construed to permit a person who is not licensed under this chapter or licensed as a civil engineer in this state prior to 1982 to be the sole owner or office of a land surveying business, unless otherwise exempt under this chapter.
 - (e) This chapter does not prevent an individual or business engaged in any line of endeavor, other than the practice of land surveying, from employing or contracting with a licensed land surveyor or a licensed civil engineer to perform the respective land surveying services incidental to the conduct of business.
 - (f) This section shall not prevent the use of the name of any business engaged in rendering land surveying services, including the use by any lawful successor or survivor, that lawfully was in existence on June 1, 1941. However, the business is subject to the provisions of paragraphs (1) and (2) of subdivision (a).
 - (g) A business engaged in rendering land surveying services may use in its name the name of a deceased or retired person if the following conditions are satisfied:
 - (1) The person's name had been used in the name of the business, or a predecessor in interest of the business, prior to the death or retirement of the person.
 - (2) The person shall have been an owner, partner, or officer of the business, or an owner, partner, or officer of the predecessor in interest of the business.
 - (3) The person shall have been licensed as a land surveyor or a civil engineer by the board, if operating a place of business or practice in this state, or by an applicable state board in the event no place of business existed in this state.

- (4) The person, if retired, has consented to the use of the name and does not permit the use of the name in the title of another land surveying business in this state during the period of that consent, except that a retired person may use his or her name as the name of a new or purchased business, if that business is not identical in every respect to that person's name as used in the former business.
- (5) The business shall be subject to paragraphs (1) and (2) of subdivision (a).
- (h) This section does not affect Sections 6731.2 and 8726.1.
- (i) A current organization record form shall be filed with the board for all businesses engaged in rendering professional land surveying services.

8730. The following persons are not required to be licensed under this chapter:

- (a) Officers and employees of the United States of America, practicing solely as those officers or employees, except when surveying the exterior boundaries of federal lands in this state.
- (b) Insofar as he or she acts in the following capacity:
 - (1) Any state, county, city, city and county, or district employee directly responsible to a licensed land surveyor or registered civil engineer.
 - (2) Any subordinate to a land surveyor or civil engineer licensed or registered as required by the laws of this state insofar as he or she acts as a subordinate.
- (c) Any officer or employee of an electric, gas, or telephone corporation, as defined in Sections 218, 222, and 234, respectively, of the Public Utilities Code, with annual revenues of twenty-five million dollars (\$25,000,000) or more, whenever he or she prepares a legal description of an easement for utility distribution lines and service facilities, provided the following conditions are met:
 - (1) Each description identifies the corporation that prepared the description and states that it was prepared pursuant to this exemption.
 - (2) Each corporation has in its employ, or on contract, an individual authorized to practice land surveying who shall be responsible for establishing criteria for determining the qualifications of technical specialists preparing those legal descriptions, specifying the format and information to be shown on maps or documents containing those descriptions, and capable of answering questions regarding the preparation of those descriptions.
- (d) Any state, county, city, or city and county public safety employee investigating any crime or infraction for the purpose of determining or prosecuting a crime or infraction. This exemption shall not permit a public safety employee to offer or perform land surveying as defined in Section 8726 for any purpose other than determining or prosecuting a crime or infraction.

8731. A registered civil engineer and a civil engineer exempt from registration under Chapter 7 (commencing with Section 6700) of Division 3 are exempt from licensing under this chapter and may engage in the practice of land surveying with the same rights and privileges, and the same duties and responsibilities of a licensed land surveyor, provided that for civil engineers who become registered after January 1, 1982, they shall pass the second division examination provided for in Section 8741 and obtain a land surveyor's license, before practicing land surveying as defined in this chapter.

8740. (a) An application for each division of the examination for a license as a land surveyor shall be made to the board on the form prescribed by it, with all statements therein made under oath, and shall be accompanied by the application fee fixed by this chapter.
- (b) The board may authorize an organization specified by the board pursuant to Section 8747 to receive directly from applicants payment of the examination fees charged by that organization as payment for examination materials and services.
8741. (a) The first division of the examination shall test the applicant's fundamental knowledge of surveying, mathematics, and basic science. The board may prescribe by regulation reasonable educational or experience requirements including two years of postsecondary education in land surveying, two years of experience in land surveying, or a combination of postsecondary education and experience in land surveying totaling two years for admission to the first division of the examination. Applicants who have passed the engineer-in-training examination, or who hold professional engineer registration, are exempt from this division of the examination. The second division of the examination shall test the applicant's ability to apply his or her knowledge and experience and to assume responsible charge in the professional practice of land surveying.
- (b) The applicant for the second division examination shall have successfully passed the first division examination, or shall be exempt therefrom. The applicant shall be thoroughly familiar with (1) the procedure and rules governing the survey of public lands as set forth in "Manual of Surveying Instructions," published by the Bureau of Land Management, Department of the Interior, Washington, D.C. and (2) the principles of real property relating to boundaries and conveyancing.
- (c) The board may by rule provide for a waiver of the first division of the examination for applicants whose education and experience qualifications substantially exceed the requirements of Section 8742.
- (d) The board may by rule provide for a waiver of the second division of the examination and the assignment to a special examination for those applicants whose educational qualifications are equal to, and whose experience qualifications substantially exceed, those qualifications established under subdivision (c). The special examination may be either written or oral, or a combination of both.

8741.1. The second division of the examination for licensure as a land surveyor shall include an examination that incorporates a national examination for land surveying by a nationally recognized entity approved by the board, and a supplemental California specific examination. The California specific examination shall test the applicant's knowledge of the provisions of this chapter and the board's rules and regulations regulating the practice of professional land surveying in this state. The board shall use the national examination on or before June 1, 2003. In the meantime, the board may continue to provide the current state-only second division examination and administer the test on the provisions of this chapter and board rules as a separate part of the second division examination for licensure as a land surveyor.

8742. (a) The educational qualifications and experience in land surveying, which an applicant for the second division examination shall possess, shall not be less than one of the following prescribed criteria:

- (1) Graduation from a four-year curriculum with an emphasis in land surveying approved by the board or accredited by a national or regional accrediting agency recognized by the United States Office of Education at a postsecondary educational institution and two years of actual broad based progressive experience in land surveying, including one year of responsible field training and one year of responsible office training, satisfactory to the board.
 - (2) Actual broad based progressive experience in land surveying for at least six years, including one year of responsible field training and one year of responsible office training, satisfactory to the board.
 - (3) Registration as a civil engineer with two years of actual broad based progressive experience in land surveying satisfactory to the board.
- (b) With respect to an applicant for a license as a land surveyor, the board shall count one year of postsecondary education in land surveying as one year of experience in land surveying up to a maximum of four years, provided the applicant has graduated from the course in land surveying and the curriculum in land surveying is approved by the board or is accredited by a regional or national accrediting agency recognized for the purpose by the United States Office of Education. Each year of study in an approved or an accredited course in land surveying without graduation shall be counted the same as one-half year of experience. Each applicant claiming equivalent credit for education may be required to produce a complete transcript of all college level courses completed. Until January 1, 2000, the board may, at its discretion, confer credit as experience in land surveying, not in excess of two years, for successfully passing the first division of the examination prescribed in Section 8741.

8743. The names and addresses of at least four land surveyors or civil engineers, duly qualified to practice in the place in which such practice has been conducted, each of whom has sufficient knowledge of the applicant to enable him to certify to the applicant's professional integrity, ability and fitness to receive a license, shall be submitted with the application for the second division of the examination.

8744. The applicant for the second division of the examination shall state in his application that, should he be licensed, he will support the Constitution of this State and of the United States, and that he will faithfully discharge the duties of a licensed land surveyor.

8745. Examinations for license shall be held at such times and at such places within the state as determined by board rule. The scope of examinations and the method of procedure shall be prescribed by board rule. The board may make arrangements with a public or private organization to conduct the examination. The board may contract with a public or private organization for materials or services related to the examination.

8746. In determining the qualifications of any applicant for license, a majority vote of the board is required. An applicant failing on examination, upon the payment of another application fee may be examined again.

8747. Any applicant who has passed the examinations prescribed by the board shall have a suitable license issued to him or her.

- (a) An applicant who has passed the first division of the examination shall be issued a certificate as a land surveyor-in-training. No renewal or other fee, other than the application fee, shall be charged for this certification. This certificate shall become invalid upon the person passing the second division of the examination and being issued a license as a land surveyor, as provided in subdivision (b). A land surveyor-in-training certificate shall not authorize the holder thereof to practice or offer to practice land surveying. No person shall use the title of land surveyor-in-training, or any abbreviation of this title, unless he or she is the holder of a valid land surveyor-in-training certificate.
- (b) An applicant who has passed the second division of the examination shall be issued a license as a land surveyor. The license shall authorize him or her to practice as a land surveyor.

8747.5.(a) The board shall issue, upon application and payment of the fee established by Section 8805, a retired license to a land surveyor who has been licensed by the board for a minimum of five years within California, and a minimum of 20 years within the United States or territories of the United States, and who holds a license that is not suspended, revoked, or otherwise disciplined, or subject to pending discipline under this chapter.

- (b) The holder of a retired license issued pursuant to this section shall not engage in any activity for which an active land surveyor's license is required. A land surveyor holding a retired license shall be permitted to use the titles "retired professional land surveyor" or "professional land surveyor, retired."
- (c) The holder of a retired license shall not be required to renew that license.
- (d) In order for the holder of a retired license issued pursuant to this section to restore his or her license to active status, he or she shall pass the examination that is required for initial licensure with the board.

8748. The board, upon application therefor, and the payment of the application and license fees fixed by this chapter, may issue a land surveyor's license, without written examination, to any person who holds a valid land surveyor's license issued to him by any State or country when the applicant's qualifications meet the requirements of this chapter and rules established by the board.

8748.5. If an applicant for license as a land surveyor or certification as a land surveyor-in-training is found by the board to lack the qualifications required for admission to the examination for such license or certification, the board may, in accordance with the provisions of Section 158 of this code, refund to him one-half of the amount of his application fee.

8749. A duplicate certificate of license to replace one lost, destroyed or mutilated may be issued subject to the rules and regulations of the board. The duplicate certificate fee fixed by this chapter shall be charged.

8750. Upon being licensed, each licensee may obtain a stamp or seal of the design authorized by the board bearing the licensee's name, number of certificate, and the legend "Licensed Land Surveyor," or "Professional Land Surveyor." The stamp or seal shall contain the expiration date of the license, or a space within which the expiration date must be written.

8751. No person shall represent himself or herself as, or use the title of, or any abbreviation or combination of the words in the title of, professional land surveyor, licensed land surveyor, land surveyor, land survey engineer, survey engineer, geodetic engineer, geomatics engineer, or geometronic engineer unless he or she is the holder of a valid, unsuspended, and unrevoked license.

8752. An unrevoked, unsuspended and unexpired license, or renewal certificate, issued by the board is presumptive evidence in all courts and places that the person named is legally licensed under this chapter.

8759. (a) A licensed land surveyor or registered civil engineer authorized to practice land surveying shall use a written contract when contracting to provide professional services to a client pursuant to this chapter. The written contract shall be executed by the licensed land surveyor or registered civil engineer and the client, or his or her representative, prior to the licensed land surveyor or registered civil engineer commencing work, unless the client knowingly states in writing that work may be commenced before the contract is executed. The written contract shall include, but not be limited to, all of the following:
- (1) A description of the services to be provided to the client by the licensed land surveyor or registered civil engineer.
 - (2) A description of any basis of compensation applicable to the contract, and the method of payment agreed upon by the parties.
 - (3) The name, address, and license or certificate number of the licensed land surveyor or registered civil engineer, and the name and address of the client.
 - (4) A description of the procedure that the licensed land surveyor or registered civil engineer and the client will use to accommodate additional services.
 - (5) A description of the procedure to be used by any party to terminate the contract.
- (b) This section shall not apply to any of the following:
- (1) Professional land surveying services rendered by a licensed land surveyor or registered civil engineer for which the client will not pay compensation.
 - (2) A licensed land surveyor or registered civil engineer who has a current or prior contractual relationship with the client to provide professional services pursuant to this chapter, and that client has paid the surveyor or engineer all of the fees that are due under the contract.
 - (3) If the client knowingly states in writing after full disclosure of this section that a contract which complies with the requirements of this section is not required.
 - (4) Professional services rendered by a licensed land surveyor or a registered civil engineer to any of the following:
 - (A) A professional engineer licensed or registered under Chapter 7 (commencing with Section 6700).
 - (B) A land surveyor licensed under this chapter.
 - (C) An architect licensed under Chapter 3 (commencing with Section 5500).
 - (D) A contractor licensed under Chapter 9 (commencing with Section 7000).

- (E) A geologist or a geophysicist licensed under Chapter 12.5 (commencing with Section 7800).
 - (F) A manufacturing, mining, public utility, research and development, or other industrial corporation, if the services are provided in connection with or incidental to the products, systems, or services of that corporation or its affiliates.
 - (G) A public agency.
- (c) "Written contract" as used in this section includes a contract that is in electronic form.

[Land Surveyors' Act](#)

8760. Every licensed land surveyor or registered civil engineer may administer and certify oaths:

- (a) When it becomes necessary to take testimony for the identification or establishment of old, lost or obliterated corners.
- (b) When a corner or monument is found in a perishable condition, and it appears desirable that evidence concerning it be perpetuated.
- (c) When the importance of the survey makes it desirable, to administer an oath to his assistants for the faithful performance of their duty. A record of oaths shall be preserved as part of the field notes of the survey and a memorandum of them shall be made on the record of survey filed under this article.

8761. (a) Any licensed land surveyor or civil engineer authorized to practice land surveying may practice land surveying and prepare maps, plats, reports, descriptions, or other documentary evidence in connection with that practice. All maps, plats, reports, descriptions, or other documents shall be prepared by, or under the responsible charge of a licensed land surveyor or civil engineer authorized to practice land surveying and shall include his or her name and license number. If the document has multiple pages or sheets, the signature, the seal or stamp, date of signing and sealing or stamping, and expiration date of the license shall appear, at a minimum, on the title sheet, cover sheet or page, or signature sheet.
- (b) Interim maps, plats, reports, descriptions, or other documents shall include a notation as to the intended purpose of the map, plat, report, description, or other document, such as "preliminary" or "for examination only."
 - (c) All final maps, plats, reports, descriptions, or other documents issued by a licensed land surveyor or civil engineer authorized to practice land surveying shall bear the signature and seal or stamp of the licensee, the date of signing and sealing or stamping, and the expiration date of the license.
 - (d) It is unlawful for any person to sign, stamp, seal, or approve any map, plat, report, description, or other document unless the person is authorized to practice land surveying.
 - (e) It is unlawful for any person to stamp or seal any map, plat, report, description, or other document with the seal after the certificate of the licensee that is named on the seal has expired or has been suspended or revoked, unless the certificate has been renewed or reissued.

8761.1. The authority of a licensed land surveyor or registered civil engineer to prepare, sign, issue, stamp, seal, or approve any map, plat, report, description, or other document shall be consistent with that person's authority to practice land surveying.

8761.2. Notwithstanding the provisions of Section 8761, a registered civil engineer or licensed land surveyor who signs land surveying maps, plats, reports, descriptions, or other surveying documents shall not be responsible for damage caused by subsequent changes to or uses of those maps, plats, reports, descriptions, or other surveying documents, where the subsequent changes or uses, including changes or uses made by state or local governmental agencies, are not authorized or approved by the registered civil engineer or licensed land surveyor who originally signed the maps, plats, reports, descriptions, or other surveying documents, provided that the engineering or surveying service rendered by the civil engineer or land surveyor who signed the maps, plats, reports, descriptions, or other surveying documents was not also a proximate cause of the damage.

8762. (a) Except as provided in subdivision (b), after making a field survey in conformity with the practice of land surveying, the licensed surveyor or licensed civil engineer may file with the county surveyor in the county in which the field survey was made, a record of the survey.

(b) Notwithstanding subdivision (a), after making a field survey in conformity with the practice of land surveying, the licensed land surveyor or licensed civil engineer shall file with the county surveyor in the county in which the field survey was made a record of the survey relating to land boundaries or property lines, if the field survey discloses any of the following:

- (1) Material evidence or physical change, which in whole or in part does not appear on any subdivision map, official map, or record of survey previously recorded or properly filed in the office of the county recorder or county surveying department, or map or survey record maintained by the Bureau of Land Management of the United States.
- (2) A material discrepancy with the information contained in any subdivision map, official map, or record of survey previously recorded or filed in the office of the county recorder or the county surveying department, or any map or survey record maintained by the Bureau of Land Management of the United States. For purposes of this subdivision, a "material discrepancy" is limited to a material discrepancy in the position of points or lines, or in dimensions.
- (3) Evidence that, by reasonable analysis, might result in materially alternate positions of lines or points, shown on any subdivision map, official map, or record of survey previously recorded or filed in the office of the county recorder or the county surveying department, or any map or survey record maintained by the Bureau of Land Management of the United States.
- (4) The establishment of one or more points or lines not shown on any subdivision map, official map, or record of survey, the positions of which are not ascertainable from an inspection of the subdivision map, official map, or record of survey.
- (5) The points or lines set during the performance of a field survey of any parcel described in any deed or other instrument of title recorded in the county recorder's office are not shown on any subdivision map, official map, or record of survey.

- (c) The record of survey required to be filed pursuant to this section shall be filed within 90 days after the setting of boundary monuments during the performance of a field survey or within 90 days after completion of a field survey, whichever occurs first.
- (d)
 - (1) If the 90-day time limit contained in subdivision (c) cannot be complied with for reasons beyond the control of the licensed land surveyor or licensed civil engineer, the 90-day time period shall be extended until the time at which the reasons for delay are eliminated. If the licensed land surveyor or licensed civil engineer cannot comply with the 90-day time limit, he or she shall, prior to the expiration of the 90-day time limit, provide the county surveyor with a letter stating that he or she is unable to comply. The letter shall provide an estimate of the date for completion of the record of survey, the reasons for the delay, and a general statement as to the location of the survey, including the assessor's parcel number or numbers.
 - (2) The licensed land surveyor or licensed civil engineer shall not initially be required to provide specific details of the survey. However, if other surveys at the same location are performed by others which may affect or be affected by the survey, the licensed land surveyor or licensed civil engineer shall then provide information requested by the county surveyor without unreasonable delay.
- (e) Any record of survey filed with the county surveyor shall, after being examined by him or her, be filed with the county recorder.
- (f) If the preparer of the record of survey provides a postage-paid, self-addressed envelope or postcard with the filing of the record of survey, the county recorder shall return the postage-paid, self-addressed envelope or postcard to the preparer of the record of survey with the filing data within 10 days of final filing. For the purposes of this subdivision, "filing data" includes the date, the book or volume, and the page at which the record of survey is filed with the county recorder.

8762.5. No record of survey of land shown on the latest adopted county assessment roll as a unit or as contiguous units, which shows a division of such land into additional parcels, shall be filed with the county surveyor or with the county recorder, unless there is attached thereto a certificate by the county surveyor if the land lies within an unincorporated area, or a certificate by the city engineer if the land lies within a city, of compliance with the provisions of the Subdivision Map Act, Division 2 (commencing with Section 66410) of Title 7 of the Government Code, and any applicable local ordinance enacted pursuant thereto.

8763. The record of survey shall be a map, legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth, or polyester base film, 18 by 26 inches or 460 by 660 millimeters. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility. A marginal line shall be drawn completely around each sheet leaving an entirely blank margin of one inch or 25 millimeters.

8764. The record of survey shall show the applicable provisions of the following consistent with the purpose of the survey:

- (a) All monuments found, set, reset, replaced, or removed, describing their kind, size, and location, and giving other data relating thereto.
- (b) Bearing or witness monuments, basis of bearings, bearing and length of lines, scale of map, and north arrow.

- (c) Name and legal designation of the property in which the survey is located, and the date or time period of the survey.
- (d) The relationship to those portions of adjacent tracts, streets, or senior conveyances which have common lines with the survey.
- (e) Memorandum of oaths.
- (f) Statements required by Section 8764.5.
- (g) Any other data necessary for the intelligent interpretation of the various items and locations of the points, lines, and areas shown, or convenient for the identification of the survey or surveyor, as may be determined by the civil engineer or land surveyor preparing the record of survey. The record of survey shall also show, either graphically or by note, the reason or reasons, if any, why the mandatory filing provisions of paragraphs (1) to (5), inclusive, of subdivision (b) of Section 8762 apply. The record of survey need not consist of a survey of an entire property.

8764.5. Statements shall appear on the map as follows:

SURVEYOR'S STATEMENT

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act at the request of

Name of Person Authorizing Survey

in _____, 20____.

(Signed and sealed) _____
 L.S. (or R.C.E.) No. _____
 License expiration date _____

COUNTY SURVEYOR'S STATEMENT

This map has been examined in accordance with Section 8766 of the Professional Land Surveyors' Act this _____ day of _____, 20____.

(Signed and sealed) _____
County Surveyor
 L.S. (or R.C.E.) No. _____
 License expiration date _____

RECORDER'S STATEMENT

Filed this _____ day of _____, 20____, at
_____m. in Book _____ of _____ at
page _____, at the request of _____.

(Signed) _____
County Recorder

No other statements may appear on the face of the map except those required or authorized by this article.

8765. A record of survey is not required of any survey:

- (a) When it has been made by a public officer in his or her official capacity and a reproducible copy thereof, showing all data required by Section 8764, except the recorder's statement, has been filed with the county surveyor of the county in which the land is located. Any map so filed shall be indexed and kept available for public inspection.
- (b) Made by the United States Bureau of Land Management.
- (c) When a map is in preparation for recording or shall have been recorded under the provisions of the Subdivision Map Act.
- (d) When the survey is a retracement of lines shown on a subdivision map, official map, or a record of survey, where no material discrepancies with those records are found and sufficient monumentation is found to establish the precise location of property corners thereon, provided that a corner record is filed for any property corners which are set or reset or found to be of a different character than indicated by prior records. For purposes of this subdivision, a "material discrepancy" is limited to a material discrepancy in the position of points or lines, or in dimensions.
- (e) When the survey is a survey of a mobilehome park interior lot as defined in Section 18210 of the Health and Safety Code, provided that no subdivision map, official map, or record of survey has been previously filed for the interior lot or no conversion to residential ownership has occurred pursuant to Section 66428.1 of the Government Code.

8766. (a) Within 20 working days after receiving the record of survey, or within the additional time as may be mutually agreed upon by the land surveyor or civil engineer and the county surveyor, the county surveyor shall examine it with respect to all of the following:

- (1) Its accuracy of mathematical data and substantial compliance with the information required by Section 8764.
 - (2) Its compliance with Sections 8762.5, 8763, 8764.5, 8771.5, and 8772.
- (b) The examination pursuant to this section shall not require the licensed land surveyor or registered civil engineer submitting the record of survey to change the methods or procedures utilized or employed in the performance of the survey, nor shall the examination require a field survey to verify the data shown on the record of survey.

- (c) Nothing in this section shall limit the county surveyor from including notes expressing opinions regarding the record of survey, or the methods or procedures utilized or employed in the performance of the survey.
- (d) The examination pursuant to this section shall be performed by, or under the direct supervision of, a licensed land surveyor or registered civil engineer.

8766.5. The county surveyor may charge a reasonable fee for examining a record of survey pursuant to Section 8766 which shall not exceed the cost of the service or one hundred dollars (\$100), whichever is the lesser. However, this one hundred dollars (\$100) maximum fee may be increased by the board of supervisors if such an increase is authorized by a duly adopted ordinance and the ordinance was adopted pursuant to a staff report demonstrating that the cost of providing the examination service actually exceeds one hundred dollars (\$100) per record of survey.

8767. If the county surveyor finds that the record of survey complies with the examination in Section 8766, the county surveyor shall endorse a statement on it of his or her examination, and shall present it to the county recorder for filing. Otherwise the county surveyor shall return it to the person who presented it, together with a written statement of the changes necessary to make it conform to the requirements of Section 8766. The licensed land surveyor or registered civil engineer submitting the record of survey may then make the agreed changes and note those matters which cannot be agreed upon in accordance with the provisions of Section 8768 and shall resubmit the record of survey within 60 days, or within the time as may be mutually agreed upon by the licensed surveyor or registered engineer and the county surveyor, to the county surveyor for filing pursuant to Section 8768.

8768. If the matters appearing on the record of survey cannot be agreed upon by the licensed land surveyor or the registered civil engineer and the county surveyor within 10 working days after the licensed land surveyor or registered civil engineer resubmits and requests the record of survey be filed without further change, an explanation of the differences shall be noted on the map and it shall be presented by the county surveyor to the county recorder for filing, and the county recorder shall file the record of survey. The licensed land surveyor or registered civil engineer filing the record of survey shall attempt to reach agreement with the county surveyor regarding the language for the explanation of the differences. If they cannot agree on the language explaining the differences, then both shall add a notation on the record of survey explaining the differences. The explanation of the differences shall be sufficiently specific to identify the factual basis for the difference.

8768.5. If the county surveyor fails to timely file the record of survey with the county recorder in accordance with Section 8768, the licensed land surveyor or registered civil engineer submitting the map may bring an action pursuant to Section 1085 of the Code of Civil Procedure to compel the filing of the record of survey. After the licensed land surveyor or registered civil engineer resubmits and requests the record of survey be filed without further change, the filing of the record of survey shall be deemed to be a ministerial act. In any action brought pursuant to Section 1085 of the Code of Civil Procedure between a licensed land surveyor or a registered civil engineer and the county surveyor of any county, the court may award to the prevailing party costs and other expenses of litigation, including the payment of experts and other witnesses, and reasonable attorney's fees.

8769. The charge for filing any record of survey, and for indexing the same, shall be the same as provided for subdivided land under Section 27372 of the Government Code.

8770. The record of survey filed with the county recorder of any county shall be securely fastened by him into a suitable book provided for that purpose. He shall keep proper indexes of such record of survey by the name of grant, tract, subdivision or United States subdivision. The original map shall be stored for safekeeping in a reproducible condition. It shall be proper procedure for the recorder to maintain for public reference a set of counter maps that are prints of the original maps, and the original maps to be produced for comparison upon demand.

8770.5. Any record of survey filed under the provisions of this chapter may be amended to show any course or distance that was omitted therefrom, or to correct any error in: course or distance shown thereon, the description of the land which the record of survey comprised, lot numbers, street names, acreages, identification of adjacent record maps, or the character of monuments being set, or to correct any other minor errors approved for correction by the county surveyor in the same manner that subdivision maps may be amended under the provisions of the Subdivision Map Act, Division 2 (commencing with Section 66410) of Title 7 of the Government Code.

8770.6. The use of the word "certify" or "certification" by a licensed land surveyor or registered civil engineer in the practice of professional engineering or land surveying or the preparation of maps, plats, reports, descriptions, or other surveying documents only constitutes an expression of professional opinion regarding those facts or findings which are the subject of the certification, and does not constitute a warranty or guarantee, either expressed or implied.

8771. (a) Monuments set shall be sufficient in number and durability and efficiently placed so as not to be readily disturbed, to assure, together with monuments already existing, the perpetuation or facile reestablishment of any point or line of the survey.

(b) When monuments exist that control the location of subdivisions, tracts, boundaries, roads, streets, or highways, or provide horizontal or vertical survey control, the monuments shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer prior to the time when any streets, highways, other rights-of-way, or easements are improved, constructed, reconstructed, maintained, resurfaced, or relocated, and a corner record or record of survey of the references shall be filed with the county surveyor. They shall be reset in the surface of the new construction, a suitable monument box placed thereon, or permanent witness monuments set to perpetuate their location if any monument could be destroyed, damaged, covered, or otherwise obliterated, and a corner record or record of survey filed with the county surveyor prior to the recording of a certificate of completion for the project. Sufficient controlling monuments shall be retained or replaced in their original positions to enable property, right-of-way and easement lines, property corners, and subdivision and tract boundaries to be reestablished without devious surveys necessarily originating on monuments differing from those that currently control the area. It shall be the responsibility of the governmental agency or others performing construction work to provide for the monumentation required by this section. It shall be the duty of every land surveyor or civil engineer to cooperate with the governmental agency in matters of maps, field notes, and other pertinent records. Monuments set to mark the limiting lines of

highways, roads, streets or right-of-way or easement lines shall not be deemed adequate for this purpose unless specifically noted on the corner record or record of survey of the improvement works with direct ties in bearing or azimuth and distance between these and other monuments of record.

- (c) The decision to file either the required corner record or a record of survey pursuant to subdivision (b) shall be at the election of the licensed land surveyor or registered civil engineer submitting the document.

8771.5. When coordinates in the California Coordinate System are shown for points on a record of survey map the map may not be recorded unless it also shows, or is accompanied by a map showing, the control scheme through which the coordinates were determined from points of known coordinates.

8772. Any monument set by a licensed land surveyor or registered civil engineer to mark or reference a point on a property or land line shall be permanently and visibly marked or tagged with the certificate number of the surveyor or civil engineer setting it, each number to be preceded by the letters "L.S." or "R.C.E.," respectively, as the case may be or, if the monument is set by a public agency, it shall be marked with the name of the agency and the political subdivision it serves. Nothing in this section shall prevent the inclusion of other information on the tag which will assist in the tracing or location of the survey records which relate to the tagged monument.

- 8773. (a) Except as provided in subdivision (b) of Section 8773.4, a person authorized to practice land surveying in this state shall complete, sign, stamp with his or her seal, and file with the county surveyor or engineer of the county where the corners are situated, a written record of corner establishment or restoration to be known as a "corner record" for every corner established by the Survey of the Public Lands of the United States, except "lost corners," as defined by the Manual of Instructions for the Survey of the Public Lands of the United States, and every accessory to such corner which is found, set, reset, or used as control in any survey by such authorized person.
- (b) After the establishment of a lost corner, as defined by the Manual of Instructions for the Survey of the Public Lands of the United States, a record of survey shall be filed as set forth in Section 8764.
- (c) Any person authorized to practice land surveying in this state may file such corner record for any property corners, property controlling corners, reference monuments, or accessories to a property corner.

8773.1. The board shall by regulation provide and prescribe the information which shall be necessary to be included in the corner record and the board shall prescribe the form in which the corner record shall be submitted and filed, and the time limits within which the form shall be filed. A corner record shall be a single 8.5 by 11 inch sheet which may consist of a front and back page.

8773.2.(a) A "corner record" submitted to the county surveyor or engineer shall be examined by him or her for compliance with subdivision (d) of Section 8765 and Sections 8773, 8773.1, and 8773.4, endorsed with a statement of his or her examination, and filed with the county surveyor or returned to the submitting party within 20 working days after receipt.

- (b) In the event the submitted "corner record" fails to comply with the examination criteria of subdivision (a), the county surveyor or engineer shall return it to the person who submitted it together with a written statement of the changes necessary to make it conform to the requirements of subdivision (a). The licensed land surveyor or licensed civil engineer submitting the corner record may then make the agreed changes in compliance with subdivision (a) and note those matters that cannot be agreed upon in accordance with the provisions of subdivision (c), and shall resubmit the corner record within 60 days, or within the time as may be mutually agreed upon by the licensed land surveyor or licensed civil engineer and the county surveyor, to the county surveyor for filing pursuant to subdivision (c). The county surveyor or engineer shall file the corner record within 10 working days after receipt of the resubmission.
- (c) If the matters appearing on the corner record cannot be agreed upon by the licensed land surveyor or the licensed civil engineer and the county surveyor within 10 working days after the licensed land surveyor or licensed civil engineer resubmits and requests the corner record be filed without further change, an explanation of the differences shall be noted on the corner record and it shall be submitted to and filed by the county surveyor. The licensed land surveyor or licensed civil engineer filing the corner record shall attempt to reach agreement with the county surveyor regarding the language for the explanation of the differences. If they cannot agree on the language explaining the differences, then both shall add a notation on the corner record explaining the differences. The explanation of the differences shall be sufficiently specific to identify the factual basis for the differences.
- (d) The corner record filed with the county surveyor of any county shall be securely fastened by him or her into a suitable book provided for that purpose.
- (e) A charge for examining, indexing, and filing the corner record may be collected by the county surveyor, not to exceed the amount required for the recording of a deed.
- (f) If the preparer of the corner record provides a postage-paid, self-addressed envelope or postcard with the filing of the corner record, the county surveyor shall return the postage-paid, self-addressed envelope or postcard to the preparer of the corner record with the filing data within 20 days of final filing. For the purposes of this subdivision, "filing data" includes the date, book or volume, and the page at which the corner record is filed by the county surveyor. This subdivision shall not apply to a county surveyor's office that maintains an electronic database of filed corner records that is accessible to the public by reference to the preparer's license number.

8773.3. In every case where a corner record is filed pursuant to Section 8773, the licensed land surveyor or registered civil engineer shall reconstruct or rehabilitate the monument of such corner, and accessories to such corner, so that the same shall be left by him in such physical condition that it remains as permanent a monument as is reasonably possible and so that the same may be reasonably expected to be located with facility at all times in the future.

8773.4.(a) A corner record shall be signed by a licensed land surveyor or licensed civil engineer and stamped with his or her seal, or in the case of an agency of the United States government or the State of California, the certificate may be signed by the chief of the survey party making the survey, setting forth his or her official title, prior to filing.

- (b) A corner record need not be filed when:
- (1) A corner record is on file and the corner is found as described in the existing corner record.
 - (2) All conditions of Section 8773 are complied with by proper notations on a record of survey map filed in compliance with the Professional Land Surveyors' Act or a parcel or subdivision map, in compliance with the Subdivision Map Act.
 - (3) When the survey is a survey of a mobilehome park interior lot as defined in Section 18210 of the Health and Safety Code, provided that no subdivision map, official map, or record of survey has been previously filed for the interior lot or no conversion to residential ownership has occurred pursuant to Section 66428.1 of the Government Code.
- (c) This section shall not apply to maps filed prior to January 1, 1974.

8774. (a) The right of entry upon or to real property to investigate and utilize boundary evidence, and to perform surveys, is a right of persons legally authorized to practice land surveying, and it is the responsibility of the owner or tenant who owns or controls property to provide reasonable access without undue delay. The right of entry is not contingent upon the provision of prior notice to the owner or tenant. However, the owner or tenant shall be notified of the proposed time of entry where practicable.
- (b) The requirements of subdivision (a) do not apply to monuments within access-controlled portions of freeways.
- (c) When required for a property survey, monuments within a freeway right-of-way shall be referenced to usable points outside the access control line by the agency having jurisdiction over the freeway when requested in writing by the registered civil engineer or licensed land surveyor who is to perform the property survey. The work shall be done within a reasonable time period by the agency in direct cooperation with the engineer or surveyor and at no charge to him or her.

- 8774.5.(a) Upon the filing of a record of survey, amended record of survey, or certificate of correction for recordation pursuant to this chapter, the surveyor or engineer who prepared the document shall transmit a copy of the document, including all recording information, to the county surveyor, who shall maintain an index, by geographic location, of the documents.
- (b) The county surveyor may charge a fee equal to the fee charged for recording the documents specified in subdivision (a), for purposes of financing the costs of maintaining the index of those documents.
- (c) The requirements of this section shall not apply to any county which requires the documents specified in subdivision (a) to be transmitted to the county surveyor and requires that official to maintain an index of those documents.

[Land Surveyors' Act](#)

8775. No person shall use the title or any abbreviation of the title photogrammetrist or photogrammetric surveyor unless he or she holds registration as a civil engineer or licensed land surveyor, or unless he or she is licensed as a photogrammetric surveyor.

8775.1. Persons meeting the requirements of this article may engage in and perform all photogrammetric services germane to this chapter, either as individuals, employees, or as

independent contractors; provided, however, that the field surveys to be done are performed by registered civil engineers or licensed land surveyors, and in the preparation of any topographic map which contains the delineation of property corners or a property boundary or boundaries the work is certified or attested to by a registered civil engineer or land surveyor.

8775.2. Maps, documents, or reports prepared by, or under the direction of, a licensed photogrammetric surveyor shall carry his signature and certificate number which will indicate his responsibility for the work.

8775.3. Photogrammetric surveyor licenses shall be renewable upon payment of the fee fixed by the board for which a renewal certificate shall be issued. Photogrammetric surveyor license fees shall be the same as those prescribed for land surveyor's licensing; and the provisions of this chapter relating to revenue, and with respect to disciplinary proceedings, shall similarly apply.

[Land Surveyors' Act](#)

8776. (a) A licensee shall report to the board in writing the occurrence of any of the following events that occurred on or after January 1, 2008, within 90 days of the date the licensee has knowledge of the event:
- (1) The conviction of the licensee of any felony.
 - (2) The conviction of the licensee of any other crime that is substantially related to the qualifications, functions, and duties of a licensed land surveyor.
 - (3) Any civil action judgment, settlement, arbitration award, or administrative action resulting in a judgment, settlement, or arbitration award against the licensee in any action alleging fraud, deceit, misrepresentation, breach or violation of contract, negligence, incompetence, or recklessness by the licensee in the practice of land surveying if the amount or value of the judgment, settlement, or arbitration award is fifty thousand dollars (\$50,000) or greater.
- (b) The report required by subdivision (a) shall be signed by the licensee and set forth the facts that constitute the reportable event. If the reportable event involves the action of an administrative agency or court, the report shall set forth the title of the matter, court or agency name, docket number, and the dates the reportable event occurred.
- (c) A licensee shall promptly respond to oral or written inquiries from the board concerning the reportable events, including inquiries made by the board in conjunction with license renewal.
- (d) Nothing in this section shall impose a duty upon any licensee to report to the board the occurrence of any of the events set forth in subdivision (a) either by or against any other licensee.
- (e) Failure of a licensee to report to the board in the time and manner required by this section shall be grounds for disciplinary action.
- (f) For purposes of this section, a conviction includes the initial plea, verdict, or finding of guilt; a plea of no contest; or pronouncement of sentence by a trial court even though the conviction may not be final or sentence actually imposed until all appeals are exhausted.

8776.1. Within 30 days of entry of a conviction described in paragraphs (1) and (2) of subdivision (a) of Section 8776 or a judgment described in paragraph (3) of subdivision (a) of

Section 8776 by a court of this state that has been notified that the defendant is a licensee of the board, the court that rendered the conviction or judgment shall report that fact to the board and provide the board with a copy of the conviction or judgment and any orders or opinions of the court accompanying or ordering the conviction or judgment.

8776.2.(a) Within 30 days of payment of all or any portion of any civil action judgment, settlement, or arbitration award described in Section 8776 against a licensee of the board in which the amount or value of the judgment, settlement, or arbitration award is fifty thousand dollars (\$50,000) or greater, any insurer providing professional liability insurance to that licensee shall report to the board the name of the licensee; the amount or value of the judgment, settlement, or arbitration award; the amount paid by the insurer; and the identity of the payee.

(b) Within 30 days of payment of all or any portion of any civil action judgment, settlement, or arbitration award described in Section 8776 against a licensee of the board in which the amount or value of the judgment, settlement, or arbitration award is fifty thousand dollars (\$50,000) or greater, any state or local government agency that self insures that licensee shall report to the board the name of the licensee; the amount or value of the judgment, settlement, or arbitration award; the amount paid; and the identity of the payee.

8776.3. The requirements of Sections 8776, 8776.1, and 8776.2 shall apply if a party to the civil action, settlement, or arbitration award is or was a sole proprietorship, partnership, firm, corporation, or state or local government agency in which the licensee is or was an owner, partner, member, officer, or employee and is or was the licensee in responsible charge of that portion of the project that was the subject of the civil judgment, settlement, or arbitration award.

8776.4. Notwithstanding any other provision of law, a licensee shall not be considered to have violated a confidential settlement agreement or other confidential agreement by providing a report to the board as required by this article.

8776.5. The provisions of this article apply to a civil engineer licensed under Chapter 7 (commencing with Section 6700) prior to January 1, 1982, if the civil action judgment, settlement, or arbitration award relates to the practice of professional land surveying.

8776.6. The board may adopt regulations to further define the reporting requirements of Sections 8776, 8776.1, and 8776.2.

8776.7. This article shall become operative on January 1, 2008, only if an appropriation is made from the Professional Engineer's and Land Surveyor's Fund for the 2007-08 fiscal year in the annual Budget Act to fund the activities of this article, and sufficient hiring authority is granted to the board pursuant to a budget change proposal to provide sufficient staffing to implement this article.

[Land Surveyors' Act](#)

8780. The board may receive and investigate complaints against licensed land surveyors and registered civil engineers, and make findings thereon. By a majority vote, the board may reprove, suspend for a period not to exceed two years, or revoke the license or certificate of any licensed land surveyor or registered civil engineer, respectively, licensed under this chapter or

registered under the provisions of Chapter 7 (commencing with Section 6700), whom it finds to be guilty of:

- (a) Any fraud, deceit, or misrepresentation in his or her practice of land surveying.
- (b) Any negligence or incompetence in his or her practice of land surveying.
- (c) Any fraud or deceit in obtaining his or her license.
- (d) Any violation of any provision of this chapter or of any other law relating to or involving the practice of land surveying.
- (e) Any conviction of a crime substantially related to the qualifications, functions, and duties of a land surveyor. The record of the conviction shall be conclusive evidence thereof.
- (f) Aiding or abetting any person in the violation of any provision of this chapter.
- (g) A breach or violation of a contract to provide land surveying services.
- (h) A violation in the course of the practice of land surveying of a rule or regulation of unprofessional conduct adopted by the board.

8780.1. The board may receive and investigate complaints against land surveyors-in-training and make findings thereon. By a majority vote, the board may revoke the certificate of any land surveyor-in-training:

- (a) Who has been convicted of a crime as defined in subdivision (a) of Section 480.
- (b) Who has committed any act that would be grounds for denial of a license pursuant to Section 480 or 496.
- (c) Who has been found guilty of any fraud, deceit, or misrepresentation in obtaining his or her land surveyor-in-training certificate or license as a professional land surveyor.
- (d) Who aids or abets any person in the violation of any provision of this chapter.
- (e) Who violates Section 119 with respect to a land surveyor-in-training certificate.
- (f) Who commits any act described in Section 8792.
- (g) Who violates any provision of this chapter.

8781. The proceedings under this article shall be conducted in accordance with Chapter 4 (commencing with Section 11370), Chapter 4.5 (commencing with Section 11400), and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

8783. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions and duties of a land surveyor is deemed to be a conviction within the meaning of this article. The board may order the license or certificate suspended or revoked, or may decline to issue a license or certificate, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

8784. The board may reissue a license to any person, whose license has been revoked, if a majority of the members of the board vote in favor of such reinstatement, for reasons the board may deem sufficient.

8785. (a) A petitioner may petition the board for reinstatement or modification of penalty, including reduction, modification, or termination of probation, after the following minimum periods have elapsed from the effective date of the decision ordering the disciplinary action, or if the order of the board or any portion of it is stayed by a court of law, from the date the disciplinary action is actually implemented in its entirety:
- (1) Except as otherwise provided in this section, at least three years for reinstatement of a license or certificate that was revoked or surrendered. However, the board may, in its sole discretion, specify in its order of revocation or surrender a lesser period of time that shall be at minimum one year.
 - (2) At least two years for early termination of a probation period of three years or more.
 - (3) At least one year for early termination of a probation period of less than three years.
 - (4) At least one year for reduction or modification of a condition of probation.
- (b) The board shall notify the Attorney General of the filing of the petition. The petitioner and the Attorney General shall be given timely notice by letter of the time and place of the hearing on the petition, and the petitioner and the Attorney General shall be given the opportunity to present both oral and documentary evidence and argument to the board. The petitioner shall at all times have the burden of proof to establish by clear and convincing evidence that he or she is entitled to the relief sought in the petition.
- (c) The board itself or an administrative law judge, if one is designated by the board, shall hear the petition and shall prepare a written decision setting forth the reasons supporting the decision.
- (d) The board may grant or deny the petition or may impose any terms and conditions that it reasonably deems appropriate as a condition of reinstatement or reduction or modification of the penalty.
- (e) No petition shall be considered while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on court-imposed probation or parole. No petition shall be considered while there is an accusation or petition to revoke probation pending against the petitioner.
- (f) The board may, in its discretion, deny without hearing or argument any petition that is filed pursuant to this section within a period of two years from the effective date of a prior decision following a hearing under this section.
- (g) Judicial review of the board's decision following a hearing under this section may be sought by way of a petition for writ of administrative mandamus pursuant to Section 1094.5 of the Code of Civil Procedure. The party seeking to overturn the board's decision shall have the burden of proof in any mandamus proceeding. In the mandamus proceeding, if it is alleged that there has been an abuse of discretion because the board's findings are not supported by the evidence, abuse of discretion is established if the court determines that the findings are not supported by substantial evidence in light of the whole record.
- (h) For the purposes of this section, "petitioner" means a professional land surveyor or licensed civil engineer or a land surveyor-in-training whose license or certificate has been revoked, suspended, or surrendered or placed on probation.

8790. The board shall enforce all of the provisions of this chapter and cause the prosecution of all violations coming to its notice.

8791. It is the duty of the respective officers charged with the enforcement of laws to prosecute all persons charged with the violation of any of the provisions of this chapter.

8792. Every person is guilty of a misdemeanor:

- (a) Who, unless he or she is exempt from licensing under this chapter, practices, or offers to practice, land surveying in this state without legal authorization.
- (b) Who presents as his or her own the license of a professional land surveyor unless he or she is the person named on the license.
- (c) Who attempts to file as his or her own any record of survey under the license of a professional land surveyor.
- (d) Who gives false evidence of any kind to the board, or to any member, in obtaining a license.
- (e) Who impersonates or uses the seal of a professional land surveyor.
- (f) Who uses an expired, suspended, or revoked license.
- (g) Who represents himself or herself as, or uses the title of, professional land surveyor, or any other title whereby that person could be considered as practicing or offering to practice land surveying, unless he or she is correspondingly qualified by licensure as a land surveyor under this chapter.
- (h) Who uses the title, or any combination of that title, of "professional land surveyor," "licensed land surveyor," "land surveyor," or the titles specified in Sections 8751 and 8775, or "land surveyor-in-training," or who makes use of any abbreviation of that title that might lead to the belief that he or she is a licensed land surveyor or holds a certificate as a land surveyor-in-training, without being licensed or certified as required by this chapter.
- (i) Who, unless appropriately licensed, manages, or conducts as manager, proprietor, or agent, any place of business from which land surveying work is solicited, performed, or practiced, except as authorized pursuant to Section 6731.2 and subdivision (d) of Section 8729.
- (j) Who violates any provision of this chapter.

8800. The department shall receive and account for all money derived under the operation of this chapter and, at the end of each month, shall report such money to the State Controller and shall pay it to the State Treasurer, who shall keep the money in a separate fund known as the Professional Engineer's and Land Surveyor's Fund. For accounting and recordkeeping purposes, the Professional Engineer's and Land Surveyor's Fund shall be deemed to be a single special fund, and shall be available for expenditure only for the purposes as are now or may hereafter be provided by law. The fees and civil penalties received under this chapter shall be deposited in the Professional Engineer's and Land Surveyor's Fund. All moneys in the fund are hereby appropriated for the purposes of this chapter.

8801. Licenses issued under this chapter expire every two years, if not renewed. Biennial renewals shall be staggered on a quarterly basis. To renew an unexpired license the licenseholder shall on or before the date of expiration indicated on the renewal receipt, apply for renewal on a form prescribed by the board, and pay the renewal fee prescribed by this chapter.

8802. Except as otherwise provided in this article, licenses issued under this chapter may be renewed at any time within three years after expiration on filing of application for renewal on a form prescribed by the board and payment of all accrued and unpaid renewal fees. If the license is renewed more than 30 days after its expiration, the licensee, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license shall continue in effect through the date provided in Section 8801 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

8802.1. A suspended license is subject to expiration and shall be renewed as provided in this article, but such renewal does not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity, or in any other activity or conduct in violation of the order or judgment by which the license was suspended.

8802.2. A revoked license is subject to expiration as provided in this article, but it may not be renewed. If it is reinstated after its expiration, the licensee, as a condition precedent to its reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of its revocation.

8803. A license which is not renewed within three years after its expiration may not be renewed, restored, reissued, or reinstated thereafter, unless all of the following apply:

- (a) The licensee has not committed any acts or crimes constituting grounds for denial of licensure under Section 480.
- (b) The licensee pays all of the fees which would be required if applying for the license for the first time. If the registrant or certificate holder has been practicing in this state with an expired or delinquent license and receives a waiver from taking the examination as specified in subdivision (c) then he or she shall pay all accrued and unpaid renewal fees.
- (c) The licensee takes and passes the examination which would be required if applying for the license for the first time, or otherwise establishes to the satisfaction of the board that, with due regard for the public interest, the licensee is qualified to engage in the practice of land surveying. The board may, by appropriate regulation, authorize the waiver or refund of all or any part of the application fee in those cases in which a license is issued without an examination under this section.

8803.1. Once an expired or delinquent license is renewed, restored, reinstated, or reissued pursuant to Section 8803, all of the following apply:

- (a) The board shall continue to have full jurisdiction and authority over the licensee as if the license had not expired or become delinquent.
- (b) The work performed by the licensee during a period of expiration or delinquency shall be deemed lawful and validly performed as to persons or entities other than the licensee.

- (c) The renewal, restoration, reinstatement, or reissuance of a license shall not affect liability issues regarding work performed during a period of expiration or delinquency, nor does the fact of performance during a period of expiration or delinquency affect liability issues.

8804. The renewal or reinstatement of any certificate of registration of a civil engineer under Chapter 7 (commencing with Section 6700) of Division 3, who is also a licensed land surveyor, shall not include the renewal or restoration of his land surveyor's license, without the payment of the surveyor's renewal fee or penalty.

8804.5. The board may make refunds of all fees in accordance with Section 158 of this code.

8805. The amount of the fees prescribed by this chapter shall be fixed by the board in accordance with the following schedule:

- (a) The fee for filing each application for licensure as a land surveyor at not more than four hundred dollars (\$400), and for each application for certification as a land surveyor-in-training (LSIT) at not more than one hundred dollars (\$100).
- (b) The renewal fee for a land surveyor at not more than the application fee.
- (c) The fee for a retired license at not more than 50 percent of the professional land surveyor application fee in effect on the date of application.
- (d) The delinquency fee at not more than 50 percent of the renewal fee in effect on the date of reinstatement.
- (e) The board shall establish by regulation an appeal fee for examination. The regulation shall include provisions for an applicant to be reimbursed the appeal fee if the appeal results in passage of examination. The fee shall be no more than the costs incurred by the board.
- (f) All other document fees are to be set by the board by rule.

State of California

California Code of Regulations

Title 16. Professional and Vocational Regulations

Division 5. Board for Professional Engineers and Land Surveyors

Article 1. General Provisions [400](#)-419

Article 2. Applications [420](#)-429.2

Article 3. Examinations [435](#)-447

Article 4. Miscellaneous [460](#)-476

(Rules of the Board for Professional Engineers and Land Surveyors)

Article 1. General Provisions [Rules](#) [Land Surveyors' Act](#)

400. Introduction.

These regulations are adopted by the Board in order to implement and make specific the Professional Engineers' Act and the Land Surveyors' Act, Business and Professions Code Sections 6700, et seq., and 8700, et seq., respectively.

401. Declaratory Decisions.

No decision or opinion issued by or on behalf of the Board for Professional Engineers and Land Surveyors shall be considered a declaratory decision pursuant to Government Code section 11465.10 through 11465.70 unless the decision or opinion specifically states that it is a declaratory decision issued pursuant to Government Code sections 11465.10 through 11465.70.

403. Location of Offices.

The principal office of the Board is 2535 Capitol Oaks Drive, Suite 300, Sacramento, 95833-2944. All correspondence relating to the activities of the Board, including applications, renewals, and remittances, shall be directed to the Board's office.

404. Definitions.

For the purpose of the rules and regulations contained in this chapter, the following terms are defined. No definition contained herein authorizes the practice of engineering as defined in the Professional Engineers Act.

- (a) "Agricultural engineering" is that branch of professional engineering which requires such education and experience as is necessary to understand and apply engineering principles to the design, construction, and use of specialized equipment, machines

structures and materials relating to the agricultural industry and economy. It requires knowledge of the engineering sciences relating to physical properties and biological variables of foods and fibers; atmospheric phenomena as they are related to agricultural operations; soil dynamics as related to traction, tillage and plant-soil-water relationships; and human factors relative to safe design and use of agricultural machines. The safe and proper application and use of agricultural chemicals and their effect on the environment are also concerns of the agricultural engineers. The above definition of agricultural engineering shall not be construed to permit the practice of civil, electrical or mechanical engineering, nor professional forestry.

- (b) "Board" means the Board for Professional Engineers and Land Surveyors.
- (c) "Chemical engineering" is that branch of professional engineering which embraces studies or activities relating to the development and application of processes in which chemical or physical changes of materials are involved. These processes are usually resolved into a coordinated series of unit physical operations and unit chemical processes. It is concerned with the research, design, production, operational, organizational, and economic aspects of the above. The above definition of chemical engineering shall not be construed to permit the practice of civil, electrical or mechanical engineering.
- (d) "Civil engineer" refers to a person who holds a valid license in the branch of civil engineering, as defined in Section 6702 of the Code.
- (e) "Civil engineering" is that branch of professional engineering as defined in Section 6731 of the Code.
- (f) "Code" means the Business and Professions Code.
- (g) "Consulting engineer" refers to any professional engineer who holds a valid license under the provisions of the code, or a person who possesses a valid authorization issued pursuant to Section 6732.2 of the Code, or a person who holds a valid exemption from provisions of the chapter as provided for in Sections 6704 and 6732.1 of the Code.
- (h) "Control system engineering" is that branch of professional engineering which requires such education and experience as is necessary to understand the science of instrumentation and automatic control of dynamic processes; and requires the ability to apply this knowledge to the planning, development, operation, and evaluation of systems of control so as to insure the safety and practical operability of such processes. The above definition of control system engineering shall not be construed to permit the practice of civil, electrical, or mechanical engineering.
- (i) "Corrosion engineering" is that branch of professional engineering which requires such education and experience as is necessary to understand the environmental corrosion behavior of materials; and requires the ability to apply this knowledge by recommending procedures for control, protection and cost effectiveness, resulting from the investigation of corrosion causes or theoretical reactions. The above definition of corrosion engineering shall not be construed to permit the practice of civil, electrical, or mechanical engineering.
- (j) "Electrical engineer" refers to a person who holds a valid license in the branch of electrical engineering, as defined in Section 6702.1 of the Code.
- (k) "Electrical engineering" is that branch of professional engineering as defined in Section 6731.5 of the Code.
- (l) "Engineer-in-training" refers to a person who has been granted a certificate as an "engineer-in-training" in accordance with Section 6756 of the Code.

- (m) “Fire protection engineering” is that branch of professional engineering which requires such education and experience as is necessary to understand the engineering problems relating to the safeguarding of life and property from fire and fire-related hazards; and requires the ability to apply this knowledge to the identification, evaluation, correction, or prevention of present or potential fire and fire related panic hazards in buildings, groups of buildings, or communities, and to recommend the arrangement and use of fire resistant building materials and fire detection and extinguishing systems, devices, and apparatus in order to protect life and property. The above definition of fire protection engineering shall not be construed to permit the practice of civil, electrical, or mechanical engineering.
- (n) For the sole purpose of investigating complaints and making findings thereon under Sections 6775 and 8780 of the Code, “incompetence” as used in Sections 6775 and 8780 of the Code is defined as the lack of knowledge or ability in discharging professional obligations as a professional engineer or land surveyor.
- (o) “Industrial engineering” is that branch of professional engineering which requires such education and experience as is necessary to investigate, to design, and to evaluate systems of persons, materials and facilities for the purpose of economical and efficient production, use, and distribution. It requires the application of specialized engineering knowledge of the mathematical and physical sciences, together with the principles and methods of engineering analysis and design to specify, predict, and to evaluate the results to be obtained from such systems. The above definition of industrial engineering shall not be construed to permit the practice of civil, electrical, or mechanical engineering.
- (p) “Land surveying” is that practice defined in Section 8726 of the Code.
- (q) “Land surveyor” refers to a person who holds a valid license as a land surveyor, as defined in Section 8701 of the Code.
- (r) “Land surveyor-in-training” refers to a person who has been granted a certificate as a “land surveyor-in-training” in accordance with Section 8747 (a) of the Code.
- (s) “Manufacturing engineering” is that branch of professional engineering which requires such education and experience as is necessary to understand and apply engineering procedures in manufacturing processes and methods of production of industrial commodities and products; and requires the ability to plan the practices of manufacturing, to research and develop the tools, processes, machines, and equipment, and to integrate the facilities and systems for producing quality products with optimal expenditure. The above definition of manufacturing engineering shall not be construed to permit the practice of civil, electrical, or mechanical engineering.
- (t) “Mechanical engineer” refers to a person who holds a valid license in the branch of mechanical engineering, as defined in Section 6702.2 of the Code.
- (u) “Mechanical engineering” is that branch of professional engineering as defined in Section 6731.6 of the Code.
- (v) “Metallurgical engineering” is that branch of professional engineering, which requires such education and experience as is necessary to seek, understand and apply the principles of the properties and behavior of metals in solving engineering problems dealing with the research, development and application of metals and alloys; and the manufacturing practices of extracting, refining and processing of metals. The above definition of metallurgical engineering shall not be construed to permit the practice of civil, electrical, or mechanical engineering.

- (w) For the sole purpose of investigating complaints and making findings thereon under Sections 6775 and 8780 of the Code, “negligence” as used in Sections 6775 and 8780 of the Code is defined as the failure of a licensee, in the practice of professional engineering or land surveying, to use the care ordinarily exercised in like cases by duly licensed professional engineers and land surveyors in good standing.
- (x) “Nuclear engineering” is that branch of professional engineering which requires such education and experience as is necessary to apply the principles of nuclear physics to the engineering utilization of nuclear phenomena for the benefit of mankind; it is also concerned with the protection of the public from the potential hazards of radiation and radioactive materials. Nuclear engineering is primarily concerned with interaction of radiation and nuclear particles with matter. Nuclear engineering requires the application of specialized knowledge of the mathematical and physical sciences, together with the principles and methods of engineering design and nuclear analysis to specify, predict and evaluate the behavior of systems involving nuclear reactions, and to ensure the safe, efficient operation of these systems, their nuclear products and by-products. Nuclear engineering encompasses, but is not limited to, the planning and design of the specialized equipment and process systems of nuclear reactor facilities; and the protection of the public from any hazardous radiation produced in the entire nuclear reaction process. These activities include all aspects of the manufacture, transportation and use of radioactive materials. The above definition of nuclear engineering shall not be construed to permit the practice of civil, electrical, or mechanical engineering.
- (y) “Petroleum engineering” is that branch of professional engineering which embraces studies or activities relating to the exploration, exploitation, location, and recovery of natural fluid hydrocarbons. It is concerned with research, design, production, and operation of devices, and the economic aspects of the above. The above definition of petroleum engineering shall not be construed to permit the practice of civil, electrical, or mechanical engineering.
- (z) “Professional engineer” refers to a person engaged in the practice of professional engineering as defined in Section 6701 of the Code.
- (aa) “Professional engineering” within the meaning of this chapter comprises the following branches: agricultural engineering, chemical engineering, civil engineering, control system engineering, corrosion engineering, electrical engineering, fire protection engineering, industrial engineering, manufacturing engineering, mechanical engineering, metallurgical engineering, nuclear engineering, petroleum engineering, quality engineering, safety engineering, and traffic engineering.
- (bb) “Quality engineering” is that branch of professional engineering which requires such education and experience as is necessary to understand and apply the principles of product and service quality evaluation and control in the planning, development and operation of quality control systems, and the application and analysis of testing and inspection procedures; and requires the ability to apply metrology and statistical methods to diagnose and correct improper quality control practices to assure product and service reliability and conformity to prescribed standards. The above definition of quality engineering shall not be construed to permit the practice of civil, electrical, or mechanical engineering.

- (cc)“Safety engineering” is that branch of professional engineering which requires such education and experience as is necessary to understand the engineering principles essential to the identification, elimination and control of hazards to people and property; and requires the ability to apply this knowledge to the development, analysis, production, construction, testing, and utilization of systems, products, procedures and standards in order to eliminate or optimally control hazards. The above definition of safety engineering shall not be construed to permit the practice of civil, electrical, or mechanical engineering.
- (dd)“Soil engineer” refers to a civil engineer who holds a valid authorization to use the title “soil engineer,” as provided in Section 6736.1 of the Code.
- (ee)“Soil engineering,” as it relates to the authorization to use the title “soil engineer,” is the investigation and engineering evaluation of earth materials including soil, rock, groundwater and man-made materials and their interaction with earth retention systems, structural foundations and other civil engineering works. The practice involves application of the principles of soil mechanics and the earth sciences, and requires a knowledge of engineering laws, formulas, construction techniques and performance evaluation of civil engineering works influenced by earth materials. The terms “geotechnical engineer” and “soils engineer” are deemed to be synonymous with the term “soil engineer.”
- (ff)“Structural engineer” refers to a civil engineer who holds a valid authorization to use the title “structural engineer,” as provided in Section 6736 of the Code.
- (gg)“Structural engineering” for the purposes of structural authority is the application of specialized civil engineering knowledge and experience to the design and analysis of buildings (or other structures) which are constructed or rehabilitated to resist forces induced by vertical and horizontal loads of a static and dynamic nature. This specialized knowledge includes familiarity with scientific and mathematical principles, experimental research data and practical construction methods and processes. The design and analysis shall include consideration of stability, deflection, stiffness and other structural phenomena that affect the behavior of the building (or other structure).
- (hh)“Traffic engineering” is that branch of professional engineering which requires such education and experience as is necessary to understand the science of measuring traffic and travel and the human factors relating to traffic generation and flow; and requires the ability to apply this knowledge to planning, operating, and evaluating streets and highways and their networks, abutting lands and interrelationships with other modes of travel, to provide safe and efficient movement of people and goods. The above definition of traffic engineering shall not be construed to permit the practice of civil, electrical, or mechanical engineering.

404.1. Responsible Charge– Professional Engineering.

- (a) As used in the Professional Engineers Act, the term “responsible charge” directly relates to the extent of control a professional engineer is required to maintain while exercising independent control and direction of professional engineering services or creative work and to the engineering decisions which can be made only by a professional engineer.
 - (1) Extent of Control. The extent of control necessary to be in responsible charge shall be such that the engineer:

- (A) Makes or reviews and approves the engineering decisions defined and described in subdivision (a)(2) below.
 - (B) In making or reviewing and approving the engineering decisions, determines the applicability of design criteria and technical recommendations provided by others before incorporating such criteria or recommendations.
- (2) Engineering Decisions. The term “responsible charge” relates to engineering decisions within the purview of the Professional Engineers Act. Engineering decisions which must be made by and are the responsibility of the engineer in responsible charge are those decisions concerning permanent or temporary projects which could create a hazard to life, health, property, or public welfare, and may include, but are not limited to:
- (A) The selection of engineering alternatives to be investigated and the comparison of alternatives for the project.
 - (B) The selection or development of design standards or methods, and materials to be used.
 - (C) The decisions related to the preparation of engineering plans, specifications, calculations, reports, and other documents for the engineered works.
 - (D) The selection or development of techniques or methods of testing to be used in evaluating materials or completed projects, either new or existing.
 - (E) The review and evaluation of manufacturing, fabrication or construction methods or controls to be used and the evaluation of test results, materials and workmanship insofar as they affect the character and integrity of the completed project.
 - (F) The development and control of operating and maintenance procedures.
- (3) Reviewing and Approving Engineering Decisions. In making or reviewing and approving engineering decisions, the engineer shall be physically present or shall review and approve through the use of communication devices the engineering decisions prior to their implementation.
- (b) Responsible Charge Criteria. In order to evaluate whether an engineer is in responsible charge, the following must be considered: The professional engineer who signs engineering documents must be capable of answering questions asked by individuals who are licensed by the Board in the appropriate branch of professional engineering relevant to the project and who are fully competent and proficient by education and experience in the field or fields of professional engineering relevant to the project. These questions would be relevant to the engineering decisions made during the individual’s participation in the project, and in sufficient detail to leave little question as to the engineer’s technical knowledge of the engineering performed. It is not necessary to defend decisions as in an adversarial situation, but only to demonstrate that the individual in responsible charge made, or reviewed and approved, them and possessed sufficient knowledge of the project to make, or review and approve, them.
- Examples of questions to be answered by the engineer could relate to criteria for design, methods of analysis, methods of manufacture and construction, selection of materials and systems, economics of alternate solutions, and environmental

considerations. The individual should be able to clearly express the extent of control and how it is exercised and to demonstrate that the engineer is answerable within said extent of control.

- (c) **Successor Licensee.** In situations when the professional engineer in responsible charge of an engineering project is unavailable to complete the project or when the project is a site specific adaptation of a previous design, a professional engineer (hereinafter referred to as the “successor licensee”) may assume responsible charge of the project as long as the successor licensee exercises the requisite extent of control and assumes responsibility for the engineering decisions as required by subdivision (a) and meets the criteria described in subdivision (b), as well as meeting the requirements of the Professional Engineers Act and Sections 411 and 415. Except as provided in Sections 6735, 6735.3, and 6735.4 of the Code, the original licensee is not relieved of any responsibility arising from the engineering services of which he or she was in responsible charge.
- (d) **Portions of Projects.** Nothing in this section prohibits a professional engineer from providing services for portions of or to add to or to modify an engineering project engineered under the responsible charge of another licensee as long as the professional engineer exercises the requisite extent of control and assumes responsibility for the engineering decisions as required by subdivision (a) and meets the criteria described in subdivision (b), as well as meeting the requirements of the Professional Engineers Act and Sections 411 and 415. The professional engineer need only be in responsible charge of the portions, additions, or modifications or the portion of the project affected by the addition or modification and not of the entire project. Except as provided in Sections 6735(b), 6735.3(b), and 6735.4(b) of the Code, the original licensee is not relieved of any responsibility arising from the engineering services of which he or she was in responsible charge.
- (e) The term “responsible charge” does not refer to any of the following:
 - (1) the concept of financial liability;
 - (2) management control in a hierarchy of professional engineers except as each of the individuals in the hierarchy exercises independent engineering judgment and thus responsible charge;
 - (3) such administrative and management functions as accounting, labor relations, personnel performance standards, marketing of services, or goal setting. While an engineer may also have such duties in this position, it should not enhance or decrease one’s status of being in responsible charge of the engineering.

404.2. Responsible Charge– Professional Land Surveying.

- (a) The term “responsible charge” directly relates to the extent of control a licensed land surveyor or civil engineer legally authorized to practice land surveying (hereinafter referred to as “legally authorized civil engineer”) is required to maintain while exercising independent control and direction of land surveying work or services, and the land surveying decisions which can be made only by a licensed land surveyor or legally authorized civil engineer.
 - (1) **Extent of Control.** The extent of control necessary to be in responsible charge shall be such that the land surveyor or legally authorized civil engineer:
 - (A) Makes or reviews and approves the land surveying decisions defined and described in subdivision (a)(2) below.

- (B) In making or reviewing and approving the land surveying decisions, determines the applicability of survey criteria and technical recommendations provided by others before incorporating such criteria or recommendations.
- (2) Land Surveying Decisions. The term “responsible charge” relates to land surveying decisions within the purview of the Professional Land Surveyors’ Act.
- Land surveying decisions which must be made by and are the responsibility of the land surveyor or legally authorized civil engineer in responsible charge are those decisions concerning permanent or temporary work which could create a hazard to life, health, property, or public welfare, and may include, but are not limited to:
- (A) Selecting the methods, procedures, and tolerances of field work.
 - (B) Determining calculation and adjustment methods.
 - (C) Determining and specifying the information to be shown on maps or documents furnished in connection with land surveying services, including the format of the information and the format of the maps or documents.
 - (D) The decisions related to the preparation of maps, plats, land surveying reports, descriptions, and other land surveying documents furnished in connection with the land surveying services.
 - (E) Reviewing the sufficiency and accuracy of the work product.
- (3) Reviewing and Approving Land Surveying Decisions. In making or reviewing and approving land surveying decisions, the land surveyor or legally authorized civil engineer shall be physically present or shall review and approve through the use of communication devices the land surveying decisions prior to their implementation.
- (b) Responsible Charge Criteria. In order to evaluate whether a person authorized to practice land surveying is in responsible charge, the following must be considered: The land surveyor or legally authorized civil engineer who signs surveying documents must be capable of answering questions asked by licensees of the Board who are fully competent and proficient by education and experience in the field or fields of professional land surveying relevant to the project. These questions would be relevant to the decisions made during the individual’s participation in the project, and in sufficient detail to leave little question as to the land surveyor’s or legally authorized civil engineer’s technical knowledge of the work performed. It is not necessary to defend decisions as in an adversarial situation, but only to demonstrate that the individual in responsible charge made, or reviewed and approved, them and possessed sufficient knowledge of the project to make, or review and approve, them. Examples of questions to be answered by the land surveyor or legally authorized civil engineer could relate to criteria for measurement, surveying methods, analysis, and conclusions made including, but not limited to, the retracement of government surveys, interpretation and construction of deed descriptions, conflicts between construction drawings and actual conditions, determination of the proper control datum and epoch, application of proportion methods and analysis of evidence related to written and unwritten property rights. The individual shall be able to clearly express the extent of control and how it is exercised and to demonstrate that the land

surveyor or legally authorized civil engineer is answerable within said extent of control.

- (c) **Successor Licensee.** In situations when the professional land surveyor or legally authorized civil engineer in responsible charge of a land surveying project is unavailable to complete the project, a professional land surveyor or legally authorized civil engineer (hereinafter referred to as the “successor licensee”) may assume responsible charge of the project as long as the successor licensee exercises the extent of control and assumes responsibility for the surveying decisions as required by subdivision (a) and meets the criteria described in subdivision (b), as well as meeting the requirements of the Professional Land Surveyors’ Act and Sections 411 and 415. Except as provided in Section 8761.2 of the Code, the original licensee is not relieved of any responsibility arising from the land surveying services of which he or she was in responsible charge.
- (d) **Portions of Projects.** Nothing in this section prohibits a professional land surveyor or legally authorized civil engineer from providing services for portions of or to add to or to modify a land surveying project performed under the responsible charge of another licensee as long as the professional land surveyor or legally authorized civil engineer exercises the requisite extent of control and assumes responsibility for the land surveying decisions as required by subdivision (a) and meets the criteria described in subdivision (b), as well as meeting the requirements of the Professional Land Surveyors’ Act and Sections 411 and 415. The professional land surveyor or legally authorized civil engineer need only be in responsible charge of the portions, additions, or modifications or the portion of the project affected by the addition or modification and not of the entire project. Except as provided in Section 8761.2 of the Code, the original licensee is not relieved of any responsibility arising from the land surveying services of which he or she was in responsible charge.
- (e) The term “responsible charge” does not refer to any of the following:
 - (1) the concept of financial liability;
 - (2) management control in a hierarchy of land surveyors or legally authorized civil engineers except as each of the individuals in the hierarchy exercises independent land surveying judgment and thus responsible charge;
 - (3) such administrative and management functions as accounting, labor relations, personnel performance standards, marketing of services, or goal setting. While a land surveyor or legally authorized civil engineer may also have such duties in this position, it should not enhance or decrease one’s status of being in responsible charge of the work.

405. Delegation of Certain Functions.

- (a) Whenever it is stated in these rules that the “Board” may or shall exercise or discharge any power, duty, purpose, function, or jurisdiction, the Board specifically has reserved the same for its own, exclusive action.
- (b) Whenever it is stated the “executive officer” may or shall exercise or discharge any power, duty, purpose, function, or jurisdiction, the executive officer of the Board has the authority to act thereon.
- (c) Any party in interest may appeal to the Board for review of the actions and decisions of the executive officer.
- (d) Nothing herein prohibits the executive officer from redelegating to his/her subordinates as provided in Section 18572 of the Government Code.

- (e) The power and discretion conferred by law upon the Board to receive and file accusations; issue notices of hearing, statements to respondent and statements of issues; receive and file notices of defense; determine the time and place of hearings under Section 11508 of the Government Code, issue subpoenas and subpoenas duces tecum, set and calendar cases for hearing and perform other functions necessary to the businesslike dispatch of the business of the Board in connection with proceedings under the provisions of Sections 11400 through 11529 of the Government Code, prior to the hearing of such proceedings; and the certification and delivery or mailing of copies of decisions under Section 11518 of said Code are hereby delegated to and conferred upon the executive officer, or to his/her designee.

407. Fees.

- (a) All fees required by provisions of the code as implemented by the board shall be transmitted by money order, bank draft, cash or check, payable to the Department of Consumer Affairs, at Sacramento.
- (b) The following is the prescribed application fee for:
 - (1) Authority to use the title "structural engineer" \$275
 - (2) Authority to use the title "geotechnical engineer" \$275
 - (3) Licensure as a professional engineer \$275
 - (4) Licensure as a professional land surveyor \$275
 - (5) Certification as an engineer-in-training or as a land surveyor-in-training \$100
- (c) The two-year biennial renewal fee for a license that expires on or after July 1, 2003, shall be \$150. The fee for renewal of a license that expires on or after October 1, 2005, shall be \$125.
- (d) The fee for an examination appeal filed pursuant to Rule 444 shall be \$134.00.
- (e) The fee for each retired license shall be \$87.50; no renewal fee or other fee shall be charged for the retired license. (As used in this subdivision, "license" includes certificate of registration or license as a professional engineer, licensure as a professional land surveyor, and certificates of authority to use the titles "structural engineer," "geotechnical engineer," "soil engineer," "soils engineer," or "consulting engineer.")
- (f) Fees required under provisions of this rule transmitted through the United States mail shall be deemed filed on the date shown by the post office cancellation mark stamped on the envelope containing it, or on the date mailed if satisfactory proof is made that mailing occurred on an earlier date.
- (g) Renewal applications filed with the Board more than thirty (30) days after 12 midnight on the expiration date pursuant to the Professional Land Surveyors' Act and more than sixty (60) days after 12 midnight on the expiration date pursuant to the Professional Engineers Act and not accompanied by the prescribed delinquent penalty fee equal to 50 percent of the renewal fee, shall be returned by the executive officer with a statement of the reason therefor.
- (h) Refund of fees submitted to the Board shall be made only as follows:
 - (1) Any application fees or penalties imposed and collected illegally, by mistake, inadvertence or error shall be refunded in full.
 - (2) An applicant for licensure as a professional engineer, for licensure as a professional land surveyor, for permission to use the title "structural engineer" or "geotechnical engineer," for certification as an engineer-in-training or for certification as a land surveyor-in-training found not eligible

for admission to the examination requested is entitled to a refund of one-half of the application fee. Upon request, one-half of the application fee shall be refunded to the estate of an applicant who dies prior to taking an examination.

408. Meetings.

- (a) The board will meet at times and places within California designated by the board and shall hold at least two regular meetings each year.
- (b) Special meetings of the board shall be called from time to time by the Board president when necessary. Special meetings shall also be called by the executive officer upon a written request signed by two board members.
- (c) All meetings will be noticed in accordance with the requirements of the Bagley-Keene Open Meeting Act (Government Code Sections 11120 et seq.).

410. Certificates.

- (a) Certificates and licenses will be issued in the order in which the applicants qualify.
- (b) A duplicate of a certificate issued in accordance with Section 6765 of the Professional Engineers Act or Section 8749 of the Professional Land Surveyors' Act shall be issued only to replace one lost, destroyed, or mutilated, upon a written request accompanied by a fee of \$10 and an affidavit verifying the loss, destruction or mutilation of the previous certificate. The affidavit of lost license must be submitted on a form provided by the Board.

411. Seal and Signature.

- (a) The seal required by Section 6764 of the Code shall be not less than one and one-half (1½) inches in diameter and shall contain the following information:
 - (1) Within the top border of seal: Either "Professional Engineer," "Registered Professional Engineer," or "Licensed Professional Engineer."
 - (2) Within the bottom border of seal: "State of California."
 - (3) In the center of seal, from top to bottom:
 - (A) Licensee's name as it appears on the certificate issued by the Board or as abbreviated pursuant to subdivision (d);
 - (B) Number of certificate or authority;
 - (C) Expiration date or space within which the expiration date shall be written; and,
 - (D) Branch or authority of engineering in which licensed.The seal shall be of a design similar to those shown below and shall bear at minimum those elements specified above.



(b) The seal authorized by Section 8750 of the Code shall be not less than one and one-half (1 ½) inches in diameter and shall contain the following information:

- (1) Within the top border of the seal: Either “Professional Land Surveyor” or “Licensed Land Surveyor.”
- (2) Within the bottom border of the seal: “State of California.”
- (3) In the center of the seal, from top to bottom:
 - (A) Licensee’s name as it appears on the certificate issued by the Board or as abbreviated pursuant to subdivision (d);
 - (B) Number of certificate;
 - (C) Expiration date or space within which the expiration date shall be written.

The seal shall be of a design similar to those shown below and shall bear at minimum those elements specified above.



- (c) The seal may be obtained by the licensee from any source.
- (d) The seal may contain an abbreviated form of the licensee’s given name or a combination of initials representing the licensee’s given name provided the surname listed with the Board appears on the seal and in the signature.
- (e) The seal shall be capable of leaving a permanent ink representation, an opaque and permanent impression, or an electronically-generated representation on the documents. The signature may be applied to the documents electronically.

- (f) Preprinting of blank forms with the seal or signature, the use of decals of the seal or signature, or the use of a rubber stamp of the signature is prohibited.
- (g)
 - (1) All professional engineering plans, specifications, reports, or documents (hereinafter referred to as “documents”) shall be signed and sealed in accordance with the requirements of the Professional Engineers Act and any other laws related to the practice of professional engineering and shall be signed and sealed in a manner such that all work can be clearly attributed to the licensee(s) in responsible charge of the work.
 - (2) All maps, plats, reports, descriptions, or other professional land surveying documents (hereinafter referred to as “documents”) shall be signed and sealed in accordance with the requirements of the Professional Land Surveyors’ Act and any other laws related to the practice of professional land surveying and shall be signed and sealed in a manner such that all work can be clearly attributed to the licensee(s) in responsible charge of the work.
 - (3) When signing and sealing documents containing work done by or under the responsible charge of two or more licensees, the signature and seal of each licensee in responsible charge shall be placed on the documents with a notation describing the work done under each licensee’s responsible charge.
- (h) Each licensee shall include the date of signing and sealing immediately below or next to the signature and seal.

412. Address Change.

Each person who is an applicant for, or a holder of, a certificate or license issued by the Board under provisions of the Professional Engineers Act or the Professional Land Surveyors’ Act shall file his/her address with the Board office. Within thirty (30) days after changing addresses, he/she shall notify the Board office of such change.

415. Practice Within Area of Competence.

A professional engineer or land surveyor licensed under the Code shall practice and perform engineering or land surveying work only in the field or fields in which he/she is by education and/or experience fully competent and proficient.

Nothing in this regulation shall be construed:(1) to prohibit a professional engineer from signing plans which include engineering work in areas other than that in which he/she is fully competent and proficient, if such work was performed by other engineers who were fully competent and proficient in such work; (2) to prohibit a professional engineer from performing engineering work or a land surveyor from performing land surveying work in areas which involve the application of new principles, techniques, ideas or technology; (3) to prohibit a professional engineer from supervising other engineers or a land surveyor from supervising other land surveyors who may respectively be performing engineering work or land surveying work in areas other than those in which the supervising professional engineer or supervising land surveyor is fully competent and proficient; and (4) to prohibit a professional engineer from signing plans which include engineering work, portions of which were designed or required by any governmental agency.

416. Substantial Relationship Criteria.

For the purpose of denial, suspension, or revocation of the license of a professional engineer or a land surveyor pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications,

functions, and duties of a professional engineer or land surveyor if, to a substantial degree, it evidences present or potential unfitness of a professional engineer or land surveyor to perform the functions authorized by his or her license in a manner consistent with the public health, safety, or welfare. Such crimes or acts shall include, but not be limited to, those involving the following:

- (a) For professional engineers, any violations of the provisions of the Professional Engineers Act or aiding and abetting any person in such a violation;
- (b) For land surveyors, any violations of the provisions of the Professional Land Surveyors' Act or aiding and abetting any person in such a violation;
- (c) A conviction of a crime arising from or in connection with the practice of professional engineering or land surveying.

418. Criteria for Rehabilitation.

- (a) When considering the denial of an application for certification as an engineer-in-training or a land surveyor-in-training, or for licensure as a professional engineer, or for licensure as a professional land surveyor, or for authority to use the title "structural engineer," or for authority to use the title "geotechnical engineer," under Section 480 of the Code, the Board will consider the following criteria in evaluating the rehabilitation of the applicant and his or her present eligibility for such a licensure or authority:
 - (1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.
 - (2) Evidence of any act(s) committed prior to or subsequent to the act(s) or crime(s) under consideration as grounds for denial which could also be considered as grounds for denial under Section 480 of the Code.
 - (3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).
 - (4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.
 - (5) Any evidence of rehabilitation submitted by the applicant.
 - (6) Total criminal record.
 - (7) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.
- (b) When considering the suspension or revocation of the certification of an engineer-in-training or a land surveyor-in-training, or the license of a professional engineer or a professional land surveyor, or the authority to use the title "structural engineer," or the authority to use the title "geotechnical engineer" under Section 490 of the Code, the Board will consider the following criteria in evaluating the rehabilitation of such person and his or her present eligibility to retain his or her license:
 - (1) The nature and severity of the act(s) or crime(s) under consideration as grounds for suspension or revocation.
 - (2) Evidence of any act(s) committed prior to or subsequent to the act(s) or crime(s) under consideration as grounds for suspension or revocation which could also be considered as grounds for suspension or revocation under Section 490 of the Code.
 - (3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).

- (4) The extent to which the licensee has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the license.
 - (5) Any evidence of rehabilitation submitted by the licensee.
 - (6) Total criminal record.
 - (7) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.
- (c) When considering a petition for reinstatement of the certification of an engineer-in-training or a land surveyor-in-training, or the license of a professional engineer or a professional land surveyor, or the authority to use the title “structural engineer,” or the authority to use the title “geotechnical engineer,” the Board shall evaluate evidence of rehabilitation submitted by the petitioner, including but not limited to the following:
- (1) Educational courses, including college-level courses, seminars, and continuing professional development courses, completed after the effective date of the Board’s decision ordering revocation.
 - (2) Professional engineering or land surveying work done under the responsible charge of a licensee in good standing or under the direction of a person legally authorized to practice.
 - (3) Payment of restitution to the consumer(s) by the petitioner.
 - (4) Actual or potential harm to the public, client(s), employer(s), and/or employee(s) caused by the action(s) that led to the revocation or that could be caused by the reinstatement of the certificate, license, or authority.
 - (5) The criteria specified in subsection (b)(1) through (7), as applicable.
 - (6) Disciplinary history, other than criminal actions, after the revocation.
 - (7) Recognition by the petitioner of his or her own actions and/or behavior that led to the revocation.
 - (8) Correction of the petitioner’s actions and/or behavior that led to the revocation.

419. Disciplinary Orders.

For violations of Business and Professions Code sections 6775 and/or 8780 which result in an order issued in accordance with Chapters 4.5 and 5 of Part 1 of Division 3 of Title 2 of the Government Code against a professional engineering and/or a professional land surveying license, the following provisions shall apply to disciplinary orders contained in decisions of the Board:

- (a) The minimum disciplinary order shall be reproof. The maximum disciplinary order shall be revocation of the license.
- (b) If warranted by extenuating and/or mitigating factors in the matter, the disciplinary order may be stayed by an express condition that the respondent comply with probationary conditions. The minimum time period in which the respondent shall have to comply with the conditions shall be two years. For purposes of this section, this time period shall be known as the “period of probation.”
- (c) All decisions containing stayed disciplinary orders as described in subdivision (b) shall include the following probationary conditions:
 - (1) The respondent shall obey all laws and regulations related to the practices of professional engineering and professional land surveying.
 - (2) The respondent shall submit such special reports as the Board may require.

- (3) The period of probation shall be tolled during the time the respondent is practicing exclusively outside the state of California. If, during the period of probation, the respondent practices exclusively outside the state of California, the respondent shall immediately notify the Board in writing.
 - (4) If the respondent violates the probationary conditions in any respect, the Board, after giving the respondent notice and the opportunity to be heard, may vacate the stay and reinstate the disciplinary order which was stayed. If, during the period of probation, an accusation or petition to vacate stay is filed against the respondent, or if the matter has been submitted to the Office of the Attorney General for the filing of such, the Board shall have continuing jurisdiction until all matters are final, and the period of probation shall be extended until all matters are final.
 - (5) Upon successful completion of all of the probationary conditions and the expiration of the period of probation, the respondent's license shall be unconditionally restored.
- (d) All decisions containing stayed disciplinary orders as described in subdivision (b) may include one or more of the following probationary conditions:
- (1) The respondent's license shall be suspended for a period not to exceed two years. If a suspension of the license is ordered, it shall begin on the effective date of the decision.
 - (2) Within 60 days of the effective date of the decision, the respondent shall successfully complete and pass the California Laws and Board Rules examination, as administered by the Board.
 - (3) The respondent shall successfully complete and pass a course in professional ethics, approved in advance by the Board or its designee. The probationary condition shall include a time period in which this course shall be successfully completed which time period shall be at least 60 days less than the time period ordered for the period of probation.
 - (4) Within 30 days of the effective date of the decision, the respondent shall provide the Board with evidence that he or she has provided all persons or entities with whom he or she has a contractual or employment relationship such that the relationship is in the area of practice of professional engineering and/or professional land surveying in which the violation occurred with a copy of the decision and order of the Board and shall provide the Board with the name and business address of each person or entity required to be so notified. During the period of probation, the respondent may be required to provide the same notification to each new person or entity with whom he or she has a contractual or employment relationship such that the relationship is in the area of practice of professional engineering and/or land surveying in which the violation occurred and shall report to the Board the name and address of each person or entity so notified.
 - (5) The respondent shall provide verifiable proof to the Board that restitution has been paid as ordered. The probationary condition shall include a time period in which the verifiable proof shall be provided to the Board which time period shall be at least 60 days less than the time period ordered for the period of probation.
- (e) In addition to the conditions as may be ordered pursuant to subdivisions (c) and/or (d), the following conditions shall be included for the following specific violations:

- (1) Incompetency in the practice of professional engineering and/or professional land surveying:
 - (A) The respondent shall successfully complete and pass, with a grade of “C” or better, a minimum of one and a maximum of three college-level courses, approved in advance by the Board or its designee. Such courses shall be specifically related to the area of violation. For purposes of this subdivision, “college-level course” shall mean a course offered by a community college or a four-year university of three semester units or the equivalent; “college-level course” does not include seminars. The probationary condition shall include a time period in which the course(s) shall be successfully completed which time period shall be at least 60 days less than the time period ordered for the period of probation.
 - (B) The respondent shall take and achieve the passing score as set by the Board for the second division examination (including the seismic principles and engineering surveying examinations for civil engineers), provided that in the event the respondent holds multiple licenses, the Board shall select the examination in the area of practice of professional engineering and/or professional land surveying in which the violation occurred and in the area of professional engineering and/or professional land surveying in which the respondent is licensed. The Board or its designee may select the specific examination questions such that the questions relate to the specific area of violation and comprise an examination of the same duration as that required of an applicant for licensure. The respondent shall be required to pay the application fee as described in Section 407 and shall be afforded all examination appeal rights as described in Sections 407, 443, and 444. The probationary condition shall include a time period in which the examination(s) shall be successfully completed which time period shall be at least 60 days less than the time period ordered for the period of probation.
 - (C) During the period of probation, the respondent may practice professional engineering and/or professional land surveying only under the supervision of a professional engineer and/or professional land surveyor licensed in the same branch as the respondent. This person or persons shall be approved in advance by the Board or its designee. Such supervising professional engineer and/or professional land surveyor shall initial every stamped or sealed document in close proximity to the respondent’s stamp or seal.
- (2) Negligence in the practice of professional engineering and/or professional land surveying:
 - (A) The respondent shall successfully complete and pass, with a grade of “C” or better, a minimum of one and a maximum of three college-level courses, approved in advance by the Board or its designee. Such courses shall be specifically related to the area of violation. For purposes of this subdivision, “college-level course” shall mean a course offered by a community college or a four-year university of three semester units or the equivalent; “college-level course” does not

include seminars. The probationary condition shall include a time period in which the course(s) shall be successfully completed which time period shall be at least 60 days less than the time period ordered for the period of probation.

(3) Violation and/or breach of contract in the practice of professional engineering and/or professional land surveying:

(A) The respondent shall successfully complete and pass, with a grade of “C” or better, a minimum of one and a maximum of three college-level courses, approved in advance by the Board or its designee. Such courses shall be specifically related to the area of violation. For purposes of this subdivision, “college-level course” shall mean a course offered by a community college or a four-year university of three semester units or the equivalent; “college-level course” does not include seminars. The probationary condition shall include a time period in which the course(s) shall be successfully completed which time period shall be at least 60 days less than the time period ordered for the period of probation.

(4) Failure to file a record of survey and/or corner record in the practice of professional land surveying:

(A) For any records of survey and/or corner records found not to have been filed and recorded, the respondent shall file or record, as appropriate, the required record(s) with the appropriate governmental agency within 90 days of the effective date of the decision. The respondent shall provide the Board with verifiable proof that the required record(s) have been filed or recorded, as appropriate, by the governmental agency within 30 days of such filing or recordation. If an actual suspension of the respondent’s license is ordered as a probationary condition, the record(s) required by this subdivision shall be the only professional land surveying work the respondent is allowed to perform during the suspension.

(f) If the respondent is a civil engineer who is legally authorized to practice professional land surveying and the violation involves negligence and/or incompetency in the practice of professional land surveying and if warranted by aggravating factors in the matter, the disciplinary order shall include the following condition:

(1) The existing civil engineer license shall be revoked; a new civil engineer license shall be issued which does not authorize the respondent to practice professional land surveying. Before being permitted to practice professional land surveying, the respondent shall complete and comply with all of the legal requirements for licensure as a professional land surveyor, including, but not limited to, supplying the appropriate application documents and fees and taking and passing the entire second-division examination in professional land surveying.

In addition to the disciplinary orders described in this section, all decisions shall address recovery of the Board’s investigation and enforcement costs, as described in and authorized by Business and Professions Code section 125.3. Notwithstanding this section, non-conforming terms and conditions may be included as part of the disciplinary order, including such other further or

lesser action as the Board deems appropriate, in the interest of protecting the public health, safety, and welfare.

As used in this section, “license” includes certificate of registration or license as a professional engineer, licensure as a professional land surveyor, and certificates of authority to use the titles “structural engineer,” “geotechnical engineer,” “soil engineer,” “soils engineer,” or “consulting engineer.”

Article 2. Applications [Rules](#)

420. Applications.

- (a) Applications for certification, for licensure, or for a certificate of authority shall be:
 - (1) Filed on a form prescribed by the executive officer and shall be typewritten.
 - (2) Filed at the office of the Board and accompanied by the required application fee.
 - (3) Made out properly in every respect and must contain full information.
 - (4) Subscribed and certified to “under penalty of perjury” as provided by Section 2015.5 of the Code of Civil Procedure.
- (b) An application made otherwise will not be accepted by the Board and it may be returned by the executive officer with a statement of the reason therefor.
- (c) Upon evaluation of the applicant’s qualifications, his/her examination results and any other supporting data, his/her application will be either:
 - (1) Denied without prejudice, and the application fee retained by the Board for the Professional Engineers’ Fund.
 - (2) Approved, and he/she will be granted the certification for which application was made.
- (d) The Board may request each applicant to provide the Board with a current photograph after an applicant has become licensed.

421. Refile Application.

- (a) The executive officer may prescribe a short application form for use of those applicants who, failing an examination, apply within a reasonable period of time after the date of the examination previously failed, for re-examination. This application form may be known as a refile application form. The applicant and his application for re-examination shall be subject to the same provisions of the code and rules of the board, whenever applicable, as govern the filing of an original application.
- (b) The applicant for re-examination shall be assigned by the executive officer to the next scheduled examination for which his/her application qualifies him/her.

422. Final Filing Date.

- (a) An application filed with the board after the final filing date announced for an examination shall not be considered for such examination.
- (b) Whenever the final filing date announced for an examination falls upon a Saturday, Sunday or holiday, it shall be extended to the next business day following.
- (c) If an application is filed with the board through the United States mail, it shall be deemed filed on the date shown by the post office cancellation mark stamped on the envelope containing it, or on the date mailed if satisfactory proof is made that the mailing occurred on an earlier date.

424. Experience Requirements – Professional Engineers.

- (a) The branches and title authorities described in Section 404, herein, overlap and some activities are common to two or more branches and title authorities. The minimum number of years of qualifying experience in such overlapping branches and title authorities may be used in securing licensure in any applicable branch or title authority but cannot be used more than once. The only exception to this is experience credit for education and experience credit used to qualify for the land surveyor examination. Qualifying education entitles a candidate to experience credit and this experience credit can be used again even though it has already been used to qualify for another examination.
- (b) An applicant for licensure as a professional engineer shall be granted four years experience credit for graduation from an approved engineering curriculum; or, two years experience credit for graduation from a non-approved engineering curriculum or an approved engineering technology curriculum. The additional actual work experience required to meet the six years experience requirement shall have been gained after graduation, except for cooperative work-study experience. A maximum of five years experience credit shall be granted for graduation from a cooperative work-study engineering curriculum accredited by the Accreditation Board for Engineering and Technology (ABET).
A graduate of an approved postgraduate engineering curriculum shall be given one year of additional experience credit over and above credit given for undergraduate education. Incomplete undergraduate engineering education at an approved institution shall be given one-half year of experience for each year of study completed.
The sum of qualifying experience credit for education and engineering teaching experience shall not exceed five years.
- (c) Qualifying experience is that experience satisfactory to the Board which has been gained while performing engineering tasks under the direction of a person legally qualified to practice in an applicants' branch of engineering.
- (1) For the purposes of this section, "legally qualified" means having an appropriate license as a professional engineer, or by being an employee of the Federal Government, or, except for civil engineers, by virtue of being an employee of a manufacturing, mining, public utility, research and development, or other industrial corporation; or by holding an appropriate license as a contractor.
 - (2) Qualifying experience shall be computed on an actual time worked basis, but not to exceed forty hours per week.
 - (3) Applied engineering research is an engineering task for the purposes of determining qualifying experience.
- (d) Computation of qualifying experience for licensure as a professional engineer or for authority to use the title "structural engineer" or "geotechnical engineer" shall be to the date of filing of the application; or it shall be to the final filing date announced for the examination if the application is filed within a period of thirty (30) days preceding the final filing date announced for such examination.

424.5. Reinstatement Requirements for Delinquent Applicants.

- (a) A license which has not been renewed within the time required under Business and Professions Code section 6796.3 or 8803 is considered delinquent and, except as provided in subdivision(c), shall be reinstated if the applicant complies with the following:
 - (1) Submits evidence satisfactory to the Board that the applicant is qualified in the branch for which he or she is applying. This evidence shall consist of:
 - (A) A completed, typewritten application on a form as specified in Section 420 accompanied by the required application fee as specified in Section 407 (b)(1)-(4).
 - (B) Completed appropriate reference forms as specified in Sections 427.10, 427.20, or 427.30. The submission of a reference which states that the applicant is not technically qualified to be licensed shall be grounds for denial.
 - (2) Takes and passes the examination on the applicable state laws and board regulations as specified in Business and Professions Code section 6755.2 or 8741.1 .
 - (3) Takes and passes examinations on seismic principles and engineering surveying, if he or she is a civil engineering applicant whose initial registration was issued prior to January 1, 1988.
 - (4) Pays all accrued and unpaid renewal fees.
 - (5) Has not committed any acts or crimes constituting grounds for denial of licensure under Business and Professions Code section 480.
- (b) An applicant who is unable to submit evidence satisfactory to the Board that he or she is qualified as provided in subdivision (a)(1) shall take and pass the appropriate second division examination or the appropriate title authority examination in addition to the requirements specified in subdivision (a)(2)- (5) prior to reinstatement of the delinquent license.
- (c) Notwithstanding subdivisions (a) and (b), the Board may pursue action, including but not limited to revocation or suspension of the license pursuant to Business and Professions Code sections 6775, 6776, 8780, and 8781, issuance of a citation containing an order to pay an administrative fine pursuant to Sections 473 through 473.4, filing of criminal charges pursuant to Business and Professions Code sections 6787 and 8792, and denial of the application pursuant to Section 420, against the applicant if evidence obtained during an investigation reveals that the applicant has violated any provision of the Business and Professions Code, the California Code of Regulations, or other applicable laws and regulations related to the practices of professional engineering or professional land surveying during the period of delinquency, including, but not limited to, practicing or offering to practice with an expired or delinquent license.
- (d) The application response timeframe is as specified in Section 470 (a).
- (e) The Board's time period for processing an application from receipt of the initial application to the final decision regarding issuance or denial of licensure is as specified in Section 471.

As used in this section, "license" includes certificate of registration as a professional engineer, licensure as a professional land surveyor, and certificates of authority to use the title "structural engineer," "soil engineer," or "consulting engineer."

425. Experience Requirements - Professional Land Surveyors.

- (a) An applicant for licensure as a professional land surveyor shall fulfill the educational and experience requirements contained in Sections 8741 and 8742 of the Code.
- (b) All qualifying work experience in land surveying shall be performed under the direction and review of a person legally authorized to practice land surveying. An applicant shall possess at least two years of actual responsible training experience in land surveying which shall involve at least four of the land surveying activities specified in subdivisions (a) - (g) and (k) - (m) of Section 8726 of the Code. Qualifying experience in activities specified in subdivision (a), (b), and (m) of Section 8726 shall not exceed one year. Qualifying experience shall be computed on an actual time worked basis, but not to exceed forty hours per week.
- (c) An applicant shall be credited with qualifying experience for post-secondary education that may be applied to the six years necessary for admission to the professional land surveyor examination. A graduate from a four-year curriculum with an emphasis in land surveying accredited by the Accreditation Board for Engineering and Technology (ABET) shall be given four years experience credit. A graduate of a curriculum with an emphasis in land surveying not accredited by ABET shall be given two years experience credit. Incomplete undergraduate education in land surveying at an institution accredited by ABET shall be given one-half year of experience for each year of study completed, except that the maximum of such experience credit shall be two years per applicant. A year of study shall be at least 32 semester units or 48 quarter units, no less than 10 semester units or 15 quarter units of which shall be from classes clearly identified as being land surveying subjects.

A maximum of five years experience shall be credited for graduation from a cooperative work-study land surveying curriculum accredited by the Accreditation Board for Engineering and Technology (ABET).
- (d) For purposes of Section 8742 of the Code, the term “responsible field training” experience may include, but is not limited to, the land surveying activities listed below. Under the responsible charge, direction, and review of a person legally authorized to practice land surveying, the applicant:
 - (1) Determines field survey methods and procedures, including selection of accuracy standards.
 - (2) Selects or verifies that the correct control monumentation is used to establish the designated survey datum(s) (horizontal and vertical) and selects on-the-ground locations for control monuments.
 - (3) Determines the relevance of monuments and physical field evidence for the purpose of establishing boundary and property lines.
 - (4) Reviews measurement observations for the determination of accuracy, completeness, and consistency.
 - (5) Reviews field notes and records for application of proper field survey procedures.
 - (6) Plans, performs, and reviews field checks and, based on such checks, determines if completed field surveys are accurate and sufficient.
 - (7) Searches for boundary and control monuments; assists in analyzing field evidence for locating boundary points and lines; identifies and describes such evidence; compares record data to found physical evidence; compares record data to measured data; documents discrepancies; assists in acquiring and

documenting testimony regarding boundary locations; recommends boundary location and/or establishment; selects or verifies that the correct controlling monuments are used to locate or establish boundary points and lines; and prepares draft record documents.

- (8) Coordinates the fieldwork necessary to prepare maps, plats, reports, descriptions, or other documents.
- (9) Recommends when existing boundary monuments are to be replaced, selects the method(s) to be used for replacing and resetting monuments, and prepares field documentation of such work, including that necessary for Parcel Maps, Final Maps, Record of Survey Maps, and Corner Records.
- (10) Functions as a party chief, chief of parties, or lead person in charge of field crew(s) in the performance of field surveys.
- (11) Plans and performs field observations using Global Positioning System technology and determines if completed field surveys are accurate and sufficient in geodetic and land surveying applications.
- (12) Performs surveys to facilitate the location or construction of infrastructure and fixed works of improvement.

The enumeration of the above tasks does not preclude the Board from awarding “responsible field training” credit for training of a similar character in other current or future land surveying activities not specifically enumerated herein. It is also understood that the listed tasks are only some of those that may be considered as responsible training, and that this list is not in any way intended to enumerate all of the tasks which may be performed by licensed Professional Land Surveyors.

(e) For purposes of Section 8742 of the Code, the term “responsible office training” experience may include, but is not limited to, the land surveying activities listed below. Under the responsible charge, direction, and review of a person authorized to practice land surveying, the applicant:

- (1) Performs the planning and analysis necessary for the preparation of survey documents, such as Parcel Maps, Final Maps, Record of Survey Maps, Corner Records, legal descriptions, topographic maps, plat maps, lot line adjustments, annexations, and boundary line agreements.
- (2) Reduces and evaluates field data.
- (3) Develops procedures and systems for the collection, reduction, adjustment, and use of land surveying data.
- (4) Prepares data to be used by field surveyors or field crews.
- (5) Coordinates the processing of maps, plats, reports, descriptions, or other documents with local agencies, other licensed surveyors, or County Surveyors Offices.
- (6) Coordinates the office work necessary to prepare maps, plats, reports, descriptions, or other documents.
- (7) Coordinates survey and design efforts for improvement plans as required for sufficiency to enable proper location of improvements in the field.
- (8) Researches public and private records to obtain survey and title data.
- (9) Performs boundary analysis and determination using record descriptions, survey, and title data.
- (10) Plans and coordinates the application of Global Positioning System technology for geodetic and land surveying applications.

- (11) Plans, coordinates, performs, and reviews the entry of property boundary related geo-referenced data into an electronic database.
- (12) Prepares topographic mapping utilizing photogrammetric methods.
The enumeration of the above tasks does not preclude the Board from awarding “responsible office training” credit for training of a similar character in other current or future land surveying activities not specifically enumerated herein. It is also understood that the listed tasks are only some of those that may be considered as responsible training, and that this list is not in any way intended to enumerate all of the tasks which may be performed by licensed professional land surveyors.
- (f) Computation of qualifying experience for a license as a professional land surveyor shall be to the date of filing of the application, or it shall be to the final filing date announced for the examination if the application is filed within a period of thirty (30) days preceding the final filing date announced for such examination.
- (g) An applicant for licensure as a land surveyor who holds a valid and unexpired registration or license as a civil engineer is exempt from the application requirements of this section provided he or she submits sufficient documentation that he or she has a minimum of two years of actual experience in land surveying as required by Business and Professions Code Section 8742(a)(3).

426.10. Qualification Requirements for Structural Authority.

An applicant for authority to use the title “structural engineer” shall comply with all of the following requirements:

- (a) The applicant shall hold an unexpired, valid California license as a civil engineer.
- (b) The applicant shall submit evidence satisfactory to the Board that the applicant has been in responsible charge of structural engineering qualifying experience, as defined in Section 426.11 and/or Section 426.12, for a minimum of three years subsequent to the date of examination which was passed to gain California license as a civil engineer or as provided in Section 426.14.

426.11. Qualifying Experience for Structural Authority.

“Structural Engineering qualifying experience” is defined as acceptable professional practice in responsible charge of structural engineering projects as related to buildings (or other structures) and shall include structural design experience in all areas as specified in subdivisions (a)-(f) below because the stability of a structure is dependent upon the interaction of the individual structural components as well as the structure as a whole:

- (a) Common Construction Materials - Steel, Concrete, Wood and Masonry: A structural engineer shall have experience in the use of three of the four common construction materials of steel, concrete, wood, and masonry as they relate to the design, rehabilitation and/or investigation of buildings (or other structures);
- (b) Determination of Lateral Forces: A structural engineer shall have experience regarding structural design to resist lateral forces;
- (c) Selection of Framing Systems: A structural engineer shall have experience regarding the selection of framing systems, including the consideration of alternatives and the selection of an appropriate system for the interaction of structural components to support vertical and lateral loads;

- (d) Selection of Foundation Systems: A structural engineer shall have experience in the selection of foundation systems, including the consideration of alternatives and the selection of an appropriate type of foundation system to support the structure;
- (e) Application of Code Requirements: A structural engineer shall have experience in applying local, state and federal requirements relating to design loads, materials, and detailing; and
- (f) Multi-story Buildings or Equivalent Multi-level Structures: A structural engineer shall have experience with the design and detailing for the transfer of forces between stories in multi-story buildings. A multi-story building is a building which is more than one story in height and which is not exempted pursuant to Section 6737.1 of the code.

426.12. Experience for Checking Structural Plans.

The Board shall consider the following experience as structural engineering qualifying experience, in lieu of that experience defined in Section 426.11: Professional level employment performing the checking of structural engineering plans and calculations, when performed under the immediate supervision of, and certified to by, either a civil engineer who holds a valid California license with the authority to use the title “structural engineer” in this state or a Professional Engineer who is authorized to use the title “structural engineer” registered or licensed outside of this state but registered or licensed in a state which has a comity agreement with the State of California related to structural engineering. However, an applicant who applies for authority to use the title “structural engineer” under this section shall furnish the Board with a verification of employment from each employer which lists the name(s) of the immediate supervisor of the applicant during the period of employment used as qualifying experience under this section.

426.13. Supplemental Evidence of Responsible Charge for Structural Authority.

- (a) The board shall consider the following as supplemental evidence, if submitted for consideration, to assist in determining whether an applicant for structural authority possesses the requisite three (3) years of structural engineering qualifying experience at the level of responsible charge as required in Section 426.10 and defined in Sections 426.11 and 426.12:
 - (1) Project management experience:
 - (A) Coordination with other disciplines such as civil, electrical and mechanical engineers and/or architects;
 - (B) Production of construction document packages such as calculations, drawings and specifications; and,
 - (C) Supervision and/or coordination of staff.
 - (2) Field experience:
 - (A) Familiarity with techniques, methods and means of construction;
 - (B) Field observation of construction for compliance to drawings and specifications; and,
 - (C) Field investigation of existing structures for evaluation or forensic purposes.
- (b) Notwithstanding subsections (a)(1) and (a)(2), other types of experience deemed equivalent to project management or field experience may be considered on a case-by-case basis to assist in determining whether an applicant possesses the three (3)

years of structural engineering qualifying experience at the level of responsible charge as required in Section 426.10.

- (c) Any experience submitted pursuant to this section shall not be considered as a substitute for the mandatory types of qualifying experience required by Section(s) 426.11 and/or 426.12.

426.14. Experience for Structural Engineering Gained Out of State.

- (a) The Board may consider an application for authority to use the title “structural engineer” from an applicant who does not possess three (3) years of qualifying experience subsequent to the date of the examination which was passed to gain licensure as a California civil engineer but who possesses experience equivalent to that provided in Section 426.11 based upon either:
 - (1) A minimum of three (3) years of structural engineering qualifying experience gained after the applicant’s registration or licensure as civil engineer in another state.
 - (2) A minimum of three (3) years of structural engineering qualifying experience which was gained while exempt from licensure pursuant to Section 6739 of the Code or while employed or registered or licensed in another country. Such experience shall be in addition to the experience required for licensure as a civil engineer in this state.
- (b) Applicants seeking approval of their structural engineering qualifying experience, pursuant to this section, shall file their application at least six months prior to the final filing deadline to be considered for the next scheduled examination. Applicants may be required to appear for an interview regarding their structural engineering qualifying experience.

426.50. Qualification Requirements “Soil Engineer.”

An applicant for authority to use the title “soil engineer” shall:

- (a) Hold an unexpired, valid California license as a civil engineer.
- (b) Submit evidence satisfactory to the Board that the minimum number of years of qualifying experience or education has been met as required in Sections 6736.1(b) and 6763 of the Code and as defined in Section 426.51, subsequent to the date of examination which was passed to gain licensure as a civil engineer. In addition, up to one year credit as qualifying experience in responsible charge will be given for possession of post graduate degree(s) from a Board approved school of engineering with major studies in soil engineering as listed in Section 426.51(c). Credit for post graduate degree(s) will not be given if it has already been applied to the experience requirement for civil engineering licensure.

426.51. Qualifying Experience for “Soil Engineer.”

“Qualifying experience” means responsible charge of soil engineering projects. Evidence shall be provided that the applicant has qualifying experience in the areas described in subdivisions (a), (c) and (e) and has demonstrated working knowledge in the areas described in subdivisions (a) through (e). At least one-half of the applicant’s annual full-time professional practice shall be in soil engineering, except that a teacher of soil engineering and related courses at a board approved school of engineering will be given credit for applicable consulting work as a percentage of equivalent full-time work. Applicable consulting work shall be substantiated by references and project documents.

- (a) Development of programs of geotechnical investigation which includes, but is not limited to:
 - (1) Communication with other design consultants to determine their geotechnical input needs;
 - (2) Performance of literature searches, site history analyses, etc., related to surface and subsurface conditions;
 - (3) Formulation or engineering evaluation of field exploration and laboratory testing programs to accomplish the scope of the investigation;
 - (4) Preparation or engineering evaluation of proposals.
- (b) Performance of geotechnical field and laboratory studies which includes, but is not limited to:
 - (1) Direction and/or modification of field exploration programs, as required upon evaluation of the conditions being encountered;
 - (2) Classification and evaluation of subsurface conditions.
 - (3) Understanding the purposes for and being qualified to perform routine field and laboratory tests for:
 - (A) soil strength
 - (B) bearing capacity
 - (C) expansion properties
 - (D) consolidation characteristics
 - (E) soil collapse potential
 - (F) erosion potential
 - (G) compaction characteristics
 - (H) material acceptability for use in fill
 - (I) pavement support qualities
 - (J) freeze-thaw properties
 - (K) grain-size
 - (L) permeability/percolation properties
- (c) Analysis of geotechnical data and engineering computations which includes, but is not limited to:
 - (1) Analysis of field and laboratory test results regarding:
 - (A) soil strength
 - (B) bearing capacity
 - (C) expansion properties
 - (D) consolidation characteristics
 - (E) soil collapse potential
 - (F) erosion potential
 - (G) compaction characteristics
 - (H) material acceptability for use in fill
 - (I) pavement support qualities
 - (J) freeze-thaw properties
 - (K) grain-size
 - (L) permeability/percolation properties
 - (M) ground water conditions
 - (N) soil dynamic properties
 - (2) Performance of computations using test results and available data regarding:
 - (A) bearing capacity
 - (B) foundation type, depth, dimensions

- (C) allowable soil bearing pressures
 - (D) potential settlement
 - (E) slope stability
 - (F) retaining systems
 - (G) soil treatment
 - (H) dewatering/drainage
 - (I) floor support
 - (J) pavement design
 - (K) site preparation
 - (L) fill construction
 - (M) liquefaction potential
 - (N) ground response to seismic forces
 - (O) ground water problems; seepage
 - (P) underpinning
- (d) Performance or engineering evaluation of construction, postconstruction and site monitoring which includes, but is not limited to:
- (1) Performance or supervision of geotechnical testing and observation of site grading;
 - (2) Analysis, design and evaluation of instrumentation programs to evaluate or monitor various phenomena in the field, such as settlement, slope creep, porewater pressures and ground water variations;
 - (3) Geotechnical observation during construction and/or installation, including but not limited to, spread foundations, drilled piers, piles, slurry walls, anchors, bulkheads, shoring, underpinning and subdrains;
 - (4) Engineering evaluation of soil related distress.
- (e) Preparation or engineering evaluation of geotechnical reports which includes, but is not limited to:
- (1) Preparation of appropriate plans, logs, test results and other exhibits;
 - (2) Documentation of testing and observation;
 - (3) Preparation of written reports which present findings, conclusions and recommendations of the investigation;
 - (4) Preparation of specifications and guidelines for achieving the intent of subdivision (e)(3), above.

427.10. References for Professional Engineers and Land Surveyors.

To assist the Board in evaluating qualifications, each applicant shall submit completed reference forms, using form 01A-1B (Rev. 2/86) for professional engineers and using form 01A-19 (Rev. 5/86) for professional land surveyors, from as many references as may be consistent with the length and character of the professional experience, provided the applicant shall not furnish less than the number of references required hereafter:

- (a) An applicant for a license as a professional land surveyor or as a professional engineer shall refer to not less than four persons who are authorized to practice in the discipline for which the applicant is applying and who have personal knowledge of the applicant's qualifying experience, none of whom is a relative either by birth or marriage.
- (b) Nothing herein contained shall be construed to limit authority of the Board to seek such other information pertinent to the education and experience of the applicant as may be required to verify his or her qualifications. The Board may waive the

requirement that only registered or licensed individuals give references for the applicants in disciplines other than civil engineering or land surveying when the applicants have no association with registered or licensed individuals in their work environment.

427.20. Reference Requirements for “Soil Engineer.”

- (a) An applicant for authority to use the title “soil engineer” shall submit at least four completed reference forms from individuals who hold or held current, valid, unexpired California licenses as civil engineers during the time of the applicant’s experience. None of the references shall be related to the applicant by birth or marriage. At least two of these individuals shall be civil engineers who are or were actively engaged in the practice of “soil engineering.” Each civil engineer providing a reference shall clearly indicate areas of personal knowledge of the applicant’s qualifying experience. Reference forms completed by civil engineers registered or licensed outside of California, in lieu of or in addition to California references, will be considered; however, the Board may require additional information as specified in Section 427.20(d). Reference forms completed by civil engineers registered or licensed outside of the State of California shall be notarized. Information submitted by references is confidential.
- (b) Notwithstanding Section 427(a), a reference form shall be submitted for each period of qualifying experience listed on the engagement record form for which the applicant desires credit.
- (c) An applicant will be required to verify employment inclusive dates for each period of qualifying experience. Employment verification forms may be used for this purpose.
- (d) Nothing contained in this section shall limit the authority of the Board to require that an applicant submit additional references, employment verifications and other information pertinent to education or experience to verify that the applicant has met the minimum qualifications as defined in Sections 6736.1(a) and (c) of the Code and Sections 426.50 and 426.51.

427.30. References for Structural Authority.

- (a) An applicant for authority to use the title “structural engineer” shall submit at least three completed reference forms, using form 01A-9 (Rev. 6/86), from individuals who hold current, valid California licenses as civil engineers, and who are authorized by the Board to use the title “structural engineer,” or equivalent thereto, none of whom is related to the applicant by birth or marriage. Each reference shall have personal knowledge of the applicant’s qualifying experience and shall have examined the applicant’s work. It is preferred that at least one of the references has been a direct supervisor for a period of not less than six months.
- (b) “Equivalent thereto” as used in this section, means a professional engineer who is authorized to use the title “structural engineer” in a state which has a comity agreement with this state related to “structural engineering.” Reference forms completed by a “structural engineer” registered outside of this state but registered or licensed in a state which has a comity agreement with the State of California shall be notarized.
- (c) Nothing contained in this section shall limit the authority of the Board to require that an applicant submit additional references, employment verifications and other information pertinent to the applicant’s education and/or experience to verify that the

applicant meets the minimum qualifications as defined in Sections 426.10, 426.11 and/or 426.13.

428. Abandoned Applications.

In the absence of special circumstances any of following actions by an applicant for certification or licensure shall be considered to constitute abandonment of the application and shall result in cancellation of the application with no refund of the filing fee:

- (a) Failure to provide additional information or references within 90 days following the mailing of a request by the Board's staff; or
- (b) Failure to complete that examination to which the application has been assigned within two (2) years from the date of filing of the application; or
- (c) Failure to appear for examination at the designated time and place unless a postponement has been obtained in accordance with Rule 446; or
- (d) Failure to appear for examination at the designated time and place after having obtained two postponements.

429. Application Appeal.

- (a) An applicant who is notified by the board that his/her application has been denied may appeal to the board for re-evaluation of his/her application. An application appeal shall be filed with the board within 60 days after the date the denial notice has been mailed to him/her.
- (b) An application appeal shall be made in writing and shall state the reason therefor. An appeal shall be supported by additional evidence, more references, affidavits, and supplemental information such that the board may be better informed of the applicant's qualifications.
- (c) The executive officer may deny an application appeal which is not filed within the time period provided in paragraph (a) of this rule.
- (d) The executive officer shall notify each applicant who appeals under this rule of the approval of his/her appeal, or the reason for its denial.
- (e) When an application has been denied, the executive officer shall also notify the applicant that he or she has the right to hearing under the Administrative Procedure Act (Government Code Section 11500 et seq.), if he or she makes a written request for hearing within 60 days after service of the notice of denial.

Article 3. Examinations [Rules](#)

436. Schedule of Regular Written Examinations.

- (a) Written examinations shall be given at intervals as determined by the board but not less than once each year.
- (b) The executive officer shall publish annually, not later than three months prior to the end of each calendar year, a schedule of examinations for the following year.
- (c) Whenever circumstances warrant such action the board may postpone, advance, or otherwise change without notice the examination schedule previously published.

437. Individual Examination.

- (a) Individual examinations for licensure, certification, or authorization shall be either oral or written or a combination of both, in the discretion of the Board. They may be held at times and places convenient to the Board.

- (b) An applicant for licensure as a professional engineer or as a land surveyor will be considered for assignment to an individual examination provided his/her qualifications meet all the requirements of the code and rules of the Board and provided he/she holds a valid registration or license as a professional engineer as a land surveyor in another state, in the same branch in which he/she is applying; such registration or license having been obtained by passing written examinations of comparable standard to those examinations required in California.
- (c) An applicant for authority to use the title “structural engineer” may be considered for the individual examination only if he/she has passed a 16-hour examination in another state which the Board may deem equivalent to the written examination for structural authority given in California. This 16-hour examination shall have been in addition to the regular examination series for registration or licensure as a professional engineer and shall have contained significant emphasis on seismic design and lateral load considerations.

438. Waiver of Fundamentals Examination.

- (a) An applicant for licensure as a professional engineer whose qualifications meet all requirements of the code and rules of the Board will be allowed to appear for only the second division of the written examination prescribed by Section 6755 of the Code if he or she meets one or more of the following requirements:
 - (1) Holds valid licensure as a professional engineer in another branch in California.
 - (2) Holds valid certification as an engineer-in-training in another state obtained by passing a written examination which normally requires a minimum of eight hours to complete and the content of the examination is designed to test the candidates knowledge of fundamental engineering subjects, including mathematics and the basic sciences.
 - (3) Is a graduate of an approved engineering curriculum and submits satisfactory evidence to the Board that he or she has fifteen (15) years or more of additional engineering work experience satisfactory to the Board that has been gained in addition to graduation, or any other education experience, and while performing engineering tasks under the direction of a person legally authorized to practice in an applicant’s branch of engineering.
 - (4) Is a graduate of a nonapproved engineering curriculum or an approved engineering technology curriculum and submits satisfactory evidence to the Board that he or she has seventeen (17) years or more of additional engineering work experience satisfactory to the Board that has been gained in addition to graduation, or any other education experience, and while performing engineering tasks under the direction of a person legally authorized to practice in an applicant’s branch of engineering.
 - (5) Is a graduate of an approved engineering curriculum and an approved postgraduate engineering curriculum and submits satisfactory evidence to the Board that he or she has fourteen (14) years or more of additional engineering work experience satisfactory to the Board that has been gained in addition to graduation, or any other education experience, and while performing engineering tasks under the direction of a person legally authorized to practice in an applicant’s branch of engineering.

- (6) Is a graduate of a nonapproved engineering curriculum or an approved engineering technology curriculum and an approved postgraduate engineering curriculum and submits satisfactory evidence to the Board that he or she has sixteen (16) years or more of additional engineering work experience satisfactory to the Board that has been gained in addition to graduation, or any other education experience, and while performing engineering tasks under the direction of a person legally authorized to practice in an applicant's branch of engineering.
- (b) An applicant for licensure as a land surveyor whose qualifications meet all requirements of the code and rules of the Board will be allowed to appear for only the second division of the written examination prescribed by Section 8741 of the Code if he or she meets one or more of the following requirements:
- (1) Holds valid licensure as a professional civil engineer in California.
 - (2) Holds valid certification as an engineer-in-training obtained by passing a written examination which normally requires a minimum of eight hours to complete and the content of the examination is designed to test the candidate's knowledge of fundamental engineering subjects including mathematics and the basic sciences.
 - (3) Is a graduate of an approved land surveying curriculum and submits satisfactory evidence to the Board that he or she has fifteen (15) years or more of additional land surveying work experience satisfactory to the Board that has been gained in addition to graduation, or any other education experience, and while performing land surveying tasks under the direction of a person legally authorized to practice land surveying.
 - (4) Is a graduate of a nonapproved land surveying curriculum and submits satisfactory evidence to the Board that he or she has seventeen (17) years or more of additional land surveying work experience satisfactory to the Board that has been gained in addition to graduation, or any other education experience, and while performing land surveying tasks under the direction of a person legally authorized to practice in land surveying.
 - (5) Is a graduate of an approved land surveying curriculum and an approved postgraduate land surveying curriculum and submits satisfactory evidence to the Board that he or she has fourteen (14) years or more of additional land surveying work experience satisfactory to the Board that has been gained in addition to graduation, or any other education experience, and while performing land surveying tasks under the direction of a person legally authorized to practice in land surveying.
 - (6) Is a graduate of a nonapproved land surveying curriculum and an approved postgraduate land surveying curriculum and submits satisfactory evidence to the Board that he or she has sixteen (16) years or more of additional land surveying work experience satisfactory to the Board that has been gained in addition to graduation, or any other education experience, and while performing land surveying tasks under the direction of a person legally authorized to practice in land surveying.
 - (7) Holds valid certification as a land surveyor-in-training in another state obtained by passing a written examination which normally requires a minimum of eight hours to complete and the content of the examination is

designed to test the candidate's knowledge of fundamentals of land surveying including mathematics and the basic sciences.

- (c) An applicant for a California certification as an engineer-in-training or a land surveyor-in-training who holds valid certification in another state obtained as in (a)(2) or (b)(7) above may be issued a California certificate.

439. Examination Not Permitted.

A person certified or licensed, by the board in a category or branch is not permitted to take any portion of the examination for the same category or branch unless his or her certificate or license has expired pursuant to Section 6796.3 or Section 8803 of the Code or unless re-examination is ordered as a probationary condition pursuant to Section 419.

441. Authorization to Take Examination.

- (a) After evaluating the qualifications of an applicant and establishing that person's eligibility for the examination, in accordance with the applicable laws and regulations administered by the board, the executive officer assigns the applicant to the next scheduled examination for which the applicant qualified.
- (b) Any applicant who lacks the qualifications for admission to the examination required by Chapter 7 or 15 of the code and rules of the board shall be declared ineligible; the application shall be denied and the application fee may be partially refunded in accordance with the provisions of Sections 158, 6763.5 and 8748.5 of the code. The executive officer shall notify each applicant of the reason for denying the application.
- (c) Notification of the applicant's assignment and authorization to take the examination and the location shall be postmarked at least 14 days prior to the examination date.

442. Examination Subversion.

- (a) Examination subversion is the use of any means to alter the results of an examination to cause the results to inaccurately represent the competency of an examinee.

Examination subversion includes, but is not limited to:

- (1) Communication between examinees inside of the examination room.
- (2) Giving or receiving any unauthorized assistance on the examination while an examination is in progress.
- (3) Having any unauthorized printed or written matter or other devices in his or her possession which might serve to aid the examinee on the examination.
- (4) Obtaining, using, buying, selling, distributing, having possession of, or having unauthorized access to secured examination questions or other secured examination material prior to, during or after the administration of the examination.
- (5) Copying another examinee's answers or looking at another examinee's materials while an examination is in progress.
- (6) Permitting anyone to copy answers to the examination.
- (7) Removing any secured examination materials from the examination facility.
- (8) Allowing another person to take the examination in the examinee's place.
- (9) Placing any identifying mark upon his or her examination papers other than his or her identification number or other identifiers as directed by the examination administrator.

- (10) Use by an examinee of any written material, audio material, video material, digital material, or any other mechanism not specifically authorized during the examination for the purpose of assisting an examinee in the examination.
 - (11) Writing on anything other than designated examination material.
 - (12) Writing or erasing anything after time is called.
- (b) At the discretion of the Executive Officer, if there is evidence of examination subversion by an examinee prior to, during, or after the administration of the examination, one or more of the following may occur:
- (1) The examinee may be denied the privilege of taking the examination if examination subversion is detected before the administration of the examination.
 - (2) If the examination subversion detected has not yet compromised the integrity of the examination, such steps as are necessary to prevent further examination subversion shall be taken, and the examinee may be permitted to continue with the examination.
 - (3) The examinee may be requested to leave the examination facility if examination subversion is detected during the examination.
 - (4) The examinee may be requested to submit written advisement of his or her intent to comply with and understanding of the law.
 - (5) The examination results may be voided and the application fee forfeited.
 - (6) The examinee may not be allowed to sit for an examination for up to three (3) years.
- (c) If examination subversion is detected after the administration of the examination, the Executive Officer shall make appropriate inquiry to determine the facts concerning the examination subversion and may take any of the actions as described in subdivision (b).
- (d) The Executive Officer reserves the right not to release the examination results to the examinee pending the outcome of any investigation of examination subversion.
- (e) Removal from or voidance of one part of a multiple-part examination taken during a single examination administration shall constitute removal from or voidance of all other parts of the multiple-part examination.

443. Inspection of Examination.

- (a) The following definitions as used in these regulations have the meaning expressed in this section:
- (1) “Essay type problem” means an engineering or land surveying problem in which the examinee provides a free response as solution and is graded for method, computations and answers. Scoring is determined by comparing examinee solutions with pre-determined scoring plans.
 - (2) “Multiple-choice type problem” means an engineering or land surveying problem which requires the examinee to select an answer from a multiple response format. Computations are not considered in the grading process for multiple-choice items.
- (b) Multiple-choice type problems shall not be reviewed.
- (c) An applicant who meets the criteria specified in subparagraph (1) or (2) below shall be granted 8 hours to review or write an appeal for an essay type problem or problems attempted during the written examination.

- (1) Who is no more than 8 points below the passing score on a National Council of Examiners for Engineering and Surveying Professional Engineering examination;
- (2) Who is no more than 15% below the passing score on a State specific Professional Engineering or Professional Land Surveying examination.
- (d) Time and location of the examination review or appeal session shall be designated by the executive officer.
- (e) At the time of the review or appeal session, no one other than the examinee and representatives of the board shall have access to such examination papers.
- (f) Evidence that the applicant erased, deleted, removed or altered the examination papers, or the material contained thereon during such inspection, may result in the applicant being disqualified by the board from taking future examinations.
- (g) The applicant shall have access to his or her examination, test booklets and solutions when reviewing or preparing an appeal of an essay type problem during the time period specified in subsection (c).

444. Examination Appeal.

- (a) Applicants who were unsuccessful in the Professional Engineers or Professional Land Surveyor Examination will be notified by mail with the notice of results of the date and time in which they may attend a review or appeal session. The appeal fee referred to in section 407(d) must be received by the board within twenty-one (21) days from the date of the notice of the results of his or her examination. Applicants who decide to submit an appeal will be required to submit their appeal at the end of the review or appeal session.
- (b) An appeal of an essay type problem of the examination shall be made in writing; and it shall state the reason for appeal, citing the item or items against which the appeal is directed, and it shall be accompanied by the appropriate appeal fee. The applicant shall identify the specific item(s) being challenged: the specific reasons for the challenge: and cite reference materials, facts and figures to substantiate the appeal. The appeal fee shall be payable for an appeal directed at an essay type problem of the examination. An appeal may be directed to any specific essay type problem or problems or sub-parts thereof, but an appeal shall cause the entire problem to be rescored. Rescoring of an essay type problem may result in one of the following three actions: points may be added; points may be deducted; or the score may remain the same. If the appeal results in the appellant being deemed to have passed the examination, the full appeal fee shall be refunded.
- (c) The executive officer may deny any appeal requesting a review of an examination that is not accompanied by information supporting the reason for such request, is not accompanied by the correct appeal fee, or is not filed within the period of time provided in paragraph (a) of this rule.
- (d) The Board's decision on an appeal of an essay type problem is final and shall not be re-evaluated. A multiple-choice type problem is not appealable.

446. Postponements.

The executive officer may grant a postponement, not to exceed two such postponements for each application to any applicant who for reasonable cause is prevented from appearing for examination at the time fixed, provided the applicant's request for postponement and the reason

therefor is filed with the principal office of the board at any time prior to the expiration of the ten (10) day period immediately following the date of such examination.

447. Permissible Reference Material and Other Accessories.

The executive officer shall advise each examinee when he/she is notified that he/she is assigned to an examination, what reference and other materials may be used during the examination to which he/she has been assigned.

Article 4. Miscellaneous [Rules](#)

460. Curricula Approved by the Board.

- (a) A curriculum approved by the board as qualifying a graduate of that curriculum for four years' engineering experience, or a non-graduate with one-half year of experience for each year of study completed, as provided in Section 6753 of the code, is defined as any engineering curriculum leading to a first degree in engineering accredited by the Accreditation Board for Engineering and Technology (ABET). The effective date of accreditation shall be one year prior to the initial year of accreditation as specified in the ABET Accreditation Yearbook.
- (b) The board may give one-half year of experience credit for each year of study completed in a non-approved engineering curriculum except that the maximum of such experience credit shall be two years per applicant.
- (c) (1) The board may give one-half year of experience credit for each year of study completed in an approved curriculum leading to a degree in engineering technology except that the maximum of such experience credit shall be two years per applicant.
 (2) The board has approved the curricula leading to a degree in engineering technology which have been accredited by the Engineers' Council for Professional Development.

461. Testing Laboratory Reports.

Reports issued by Testing Laboratories shall be prepared by or under the supervision of a licensed civil, electrical, or mechanical engineer as appropriate and signed or sealed by him/her whenever such reports go beyond the tabulation of test data (composition of material, breaking stress, et cetera) and proceeds to:

- (a) Interpret the data to draw conclusions as to the characteristics of civil engineering structure, an electrical or mechanical device, or parts thereof.
- (b) Express civil, electrical, or mechanical engineering judgment in the form of recommendations derived from the results of the test.
- (c) Perform design work in the preparation of plans, specifications, and other instruments requiring licensure as a civil, electrical, and/or mechanical engineer.

463. Notice of Association or Disassociation With Partnership, Firm, or Corporation.

- (a) A professional engineer who is associated as the partner, member, officer, or employee in responsible charge of professional engineering services offered or performed by a firm, partnership, or corporation shall notify the Board within thirty (30) days of such association or termination of association on a form approved by the Board.

- (b) A licensed land surveyor and/or civil engineer who practices or offers to practice land surveying, according to the provisions of Section 8729 of the Code, as a partner, member, or officer of a partnership, firm, or corporation shall advise the Board within thirty (30) days of such association or termination of association on a form approved by the Board.
- (c) A licensed photogrammetric surveyor who is associated as a member, partner, officer, or employee in a firm, partnership, or corporation which offers or performs photogrammetric surveying services according to the provisions of Article 5.5 of the Professional Land Surveyors' Act shall notify the Board within thirty (30) days of such association or termination of association on a form approved by the Board.
- (d) A firm which contains partners, members or officers as described above will be allowed six months following the death, disassociation, or retirement of a member, partner, or officer whose name the firm, partnership, or corporation carried in its firm title to make a written request to the Board for an investigation pursuant to the requirements of Section 6738(e) of the Code. The Board will determine if such firm is eligible to continue use of its firm title without change.

463.5 Providing Notice of Licensure.

Every licensee shall provide notice to his or her clients that the licensee is licensed by the Board for Professional Engineers and Land Surveyors. Notice shall be provided by one or more of the following methods:

- (a) Displaying his or her wall certificate in a public area; or office; or individual work area of the premises where the licensee provides the licensed service.
- (b) Providing a statement to each client that states the client understands the licensee is licensed by the Board for Professional Engineers and Land Surveyors. Said statement shall be signed and dated by the client and shall be retained in the licensee's records.
- (c) Including a statement that the licensee is licensed by the Board for Professional Engineers and Land Surveyors either on letterhead or on a contract for services. If said statement is included on a contract for services, it shall be placed immediately above the signature line for the client in at least 12 point type.
- (d) Posting a notice in a public area of the premises where the licensee provides the licensed services that states the named licensee is licensed by the Board for Professional Engineers and Land Surveyors. Said notice shall be in at least 48 point type.

464. Corner Record.

- (a) The corner record required by Section 8773 of the Code for the perpetuation of monuments shall contain the following information for each corner identified therein:
 - (1) The county and, if applicable, city in which the corner is located.
 - (2) An identification of the township, range, base, and meridian in which the corner is located, if applicable.
 - (3) Identification of the corner type (example: government corner, control corner, property corner, etc.).
 - (4) Description of the physical condition of
 - (A) the monument as found and
 - (B) any monuments set or reset.

- (5) The date of the visit to the monument when the information for the corner record was obtained.
 - (6) For Public Land Corners for which a corner record is required by Section 8773(a) of the Code, a sketch shall be made showing site recovery information that was used for the corner. For other kinds of corners, a drawing shall be made which shows measurements that relate the corner to other identifiable monuments.
 - (7) A reference to the California Coordinate System is optional at the discretion of the preparer of the record.
 - (8) The date of preparation of the corner record and, as prescribed by Section 8773.4 of the Code, the signature and title of the chief of the survey party if the corner record is prepared by a United States Government or California State agency or the signature and seal of the land surveyor or civil engineer, as defined in Section 8731 of the Code, preparing the corner record.
 - (9) The date the corner record was filed and the signature of the county surveyor.
 - (10) A document or filing number.
- (b) A corner record shall be filed for each public land survey corner which is found, reset, or used as control in any survey by a land surveyor or a civil engineer. Exceptions to this rule are identified in Section 8773.4 of the Code.
 - (c) The corner record shall be filed within 90 days from the date a corner was found, set, reset, or used as control in any survey. The provisions for extending the time limit shall be the same as provided for a record of survey in Section 8762 of the Code.
 - (d) A corner record may be filed for any property corner, property controlling corner, reference monument, or accessory to a property corner, together with reference to record information. Such corner record may show one or more property corners, property controlling corners, reference monuments, or accessories to property corners on a single corner record document so long as it is legible, clear, and understandable.
 - (e) When conducting a survey which is a retracement of lines shown on a subdivision map, official map, or a record of survey, where no material discrepancies with these records are found and where sufficient monumentation is found to establish the precise location of property corners thereon, a corner record may be filed in lieu of a record of survey for any property corners which are set or reset or found to be of a different character than indicated by prior records. Such corner records may show one or more property corners, property controlling corners, reference monuments or accessories to property corners on a single corner record document so long as it is legible, clear, and understandable.
 - (f) The standard markings and standard abbreviations used by the Bureau of Land Management (formerly the General Land Office) of the United States Department of the Interior shall be used in the corner record.
 - (g) The corner record shall be filed on a form prescribed by the Board. The approved form is BORPELS-1297.

465. Records of Survey - Public Officers.

A public officer who has performed a survey which is subject to the requirements of Section 8762 of the code, shall file a record of survey map or comply with Section 8765(a) of the code. In either event, the public officer shall file the information required by Section 8765(a) of the code relating to his or her survey within the time limit provided for in Section 8762 of the code.

470. Application Response.

- (a) The following timeframes, based on taking and passing the first available examination, shall apply to applications for licensure as a professional engineer or as a professional land surveyor when an examination is required.
 - (1) Within 150 calendar days of receipt of an application, the Board shall inform the applicant in writing that the application is either accepted for filing or that it is deficient and what specific information or documentation is required to complete the application.
 - (2) A complete application shall include a score for all parts of the examination. Within 60 calendar days after the filing of a complete application, the Board shall make a decision regarding the applicant's eligibility for licensure.
- (b) The following timeframes, based on taking and passing the first available examination, shall apply to applications for certification to use the titles "Engineer-in-Training" or "Land Surveyor-in-Training" when an examination is required:
 - (1) Within 75 calendar days of receipt of an application, the Board shall inform the applicant in writing that the application is either accepted for filing or that it is deficient and what specific information or documentation is required to complete the application.
 - (2) A complete application shall include a score for the examination. Within 60 calendar days after the filing of a complete application, the Board shall make a decision regarding the applicant's eligibility to use either the title "Engineer-in-Training" or "Land Surveyor-in-Training."
- (c) The following timeframes shall apply to applications for licensure as a professional engineer or as a professional land surveyor when comity licensure is applied for and when no examination is required:
 - (1) Within 125 calendar days of receipt of a comity application, the Board shall inform the applicant in writing that the application is either accepted for filing and complete or that it is deficient and what specific information or documentation is required to complete the application.
 - (2) Within 60 calendar days after the date of filing of a complete application, the Board shall make a decision regarding the application for licensure.

471. Processing Time.

The Board's time periods are based upon an applicant taking and passing the first available examination and for processing an application from the receipt of the initial application to the final decision regarding issuance or denial of licensure based on the board's actual performance during the two years preceding the proposal of this section:

- (a) The median time was 255 days.
- (b) The minimum time was 10 days.
- (c) The maximum time was 1548 days.

472. Citations of Unlicensed Persons.

- (a) The Executive Officer or his or her designee may issue a citation for any violation of any provision of law enforced by the Board to an unlicensed person who, unless otherwise exempt, is acting in the capacity of a professional engineer or professional land surveyor .

- (b) Each citation
 - (1) shall be in writing;
 - (2) shall describe with particularity the nature of the violation, including specific reference to the provision or provisions of law determined to have been violated;
 - (3) shall contain an assessment of an administrative fine, an order of abatement fixing a reasonable period of time for abatement of the violation, or both an administrative fine and an order of abatement;
 - (4) shall be served on the cited person at the last known business or residence address personally or by certified mail with return receipt requested;
 - (5) shall inform the cited person that failure to pay the fine within 30 calendar days of the date of assessment, unless the citation is being appealed, may result in the Executive Officer applying to the appropriate superior court for a judgment in the amount of the administrative fine;
 - (6) shall inform the cited person that, if he/she desires an informal conference to contest the finding of a violation, the informal conference shall be requested by written notice to the Board within 30 calendar days from service of the citation;
 - (7) shall inform the cited person that, if he or she desires a hearing to contest the finding of a violation, that hearing shall be requested by written notice to the Board within 30 calendar days from service of the citation.

472.1. Assessment of Administrative Fine.

- (a) In no event shall the administrative fine be less than \$50 or exceed \$5,000 for each violation.
- (b) In determining the amount of an administrative fine , the Executive Officer shall consider the following factors:
 - (1) The nature and severity of the violation;
 - (2) The good or bad faith exhibited by the cited person;
 - (3) The history of previous violations;
 - (4) The extent to which the cited person has cooperated with the Board and the Board's investigation;
 - (5) The extent to which the cited person has mitigated or attempted to mitigate any damage or injury caused by his/her violation;
 - (6) Any factors in extenuation or aggravation related to the violation;
 - (7) Other matters as may be appropriate.

472.2. Appeal of Citations.

- (a) Any person served with a citation issued pursuant to Section 472 may contest the citation by submitting a written request for a hearing to the Board within 30 calendar days of service of the citation. Such hearings shall be conducted pursuant to the Administrative Procedure Act, Chapters 4.5 and 5, commencing with Section 11400) of Part 1 of Division 3 of Title 2 of the Government Code.
- (b) In addition to requesting a hearing as described in subsection (a), the cited person may, within 30 calendar days of service of the citation, submit a written request for an informal conference with the Executive Officer.
- (c) The Executive Officer may, within 30 working days from receipt of a written request for an informal conference as provided in subsection (b), hold an informal

conference with the cited person and/or his or her legal counsel or authorized representative. The 30-day period may be extended by the Executive Officer for good cause. Following the informal conference, the Executive Officer may affirm, modify, or dismiss the citation, including any administrative fine assessed or order of abatement issued. An order affirming, modifying, or dismissing the original citation shall be served on the cited person within 30 calendar days from the informal conference. Said order shall state in writing the reasons for the affirmation, modification, or dismissal of the original citation. If the order affirms or modifies the original citation, said order shall fix a reasonable period of time for abatement of the violation or payment of the fine. Service of this order shall be made as provided in Section 472. This order shall be considered the conclusion of the informal conference proceedings.

- (d) If the citation is affirmed or modified following the informal conference, the cited person may request a hearing as provided in subsection (a) within 30 calendar days from service of the order described in subsection (c). The cited person shall not be permitted to request another informal conference.
- (e) If the citation is dismissed after the informal conference, the request for a hearing, if any, shall be deemed to be withdrawn.
- (f) Submittal of a written request for a hearing as provided in subsection (a), an informal conference as provided in subsection (b), or both stays the time period in which to abate the violation and/or to pay the fine.
- (g) If the written request for a hearing as provided in subsection (a) or an informal conference as provided in subsection (b) or both is not submitted within 30 calendar days from service of the citation, the cited person is deemed to have waived his/her right to a hearing or an informal conference.

472.3. Compliance with Order.

- (a) If a cited person who has been issued an order of abatement is unable to complete the correction within the time set forth in the citation because of conditions beyond his/her control after the exercise of reasonable diligence, then he/she may request from the Executive Officer an extension of time within which to complete the correction. Such a request shall be in writing and shall be made within the time set forth for abatement.
- (b) Failure of an applicant for licensure as a professional engineer or as a professional land surveyor to abate the violation or to pay the fine within the time allowed is a ground for denial of licensure.
- (c) Notwithstanding any other provision of the law, the Executive Officer may waive all or part of an administrative fine if the person against whom the citation is assessed satisfactorily completes all the requirements for, and is issued, a license.
- (d) If the cited person fails to pay the assessed fine within the time allowed, the Executive Officer may apply to the appropriate superior court for a judgment in the amount of the administrative fine.
- (e) If a hearing as provided in Section 472.2(a) is not requested, payment of the fine shall not constitute an admission of the violation charged.
- (f) Payment of the fine shall be represented as satisfactory resolution of the matter for purposes of public disclosure.

472.4. Disconnection of Telephone Service.

- (a) If, upon investigation, the Executive Officer has cause to believe that an unlicensed individual acting in the capacity of a professional engineer or professional land surveyor, who is not otherwise exempted from the provisions of the Professional Engineers Act or the Professional Land Surveyors' Act, has violated Sections 6787 or 8792 of the Code by advertising in a telephone directory, without being properly licensed, the Executive Officer may issue a citation under Section 472 containing an order of abatement which requires the cited person to both cease the unlawful advertising and notify the telephone company furnishing services to the cited person to disconnect the telephone services furnished to any telephone number contained in the unlawful advertising, and that subsequent calls to that number shall not be referred by the telephone company to any new telephone number obtained by that person. The cited person shall provide written evidence of compliance to the Executive Officer.
- (b) If the cited person fails to comply with an order of abatement as described in subsection (a) within the time allowed, the Executive Officer shall inform the Public Utilities Commission of the violation in accordance with Business and Professions Code section 149.

473. Citations of Licensed Persons.

- (a) The Executive Officer or his or her designee may issue a citation for any violation of any provision of law enforced by the Board to any person who holds a license issued by the Board.
- (b) Prior to the issuance of a citation in any case involving allegations of negligence and/or incompetence, as defined in Section 404, in the professional practice, the Executive Officer shall submit the alleged violation for review to at least one licensee of the Board who is competent in the branch of professional engineering or professional land surveying most relevant to the subject matter of the citation. The licensee reviewing the alleged violation shall be either a member of the Board's professional staff, a technical advisory committee member, or an expert consultant. Upon conclusion of the review, the reviewer shall prepare a finding of fact and a recommendation based upon that finding to which the Executive Officer shall give due consideration in determining whether cause exists to issue a citation.
- (c) Each citation
 - (1) shall be in writing;
 - (2) shall describe with particularity the nature of the violation, including specific reference to the provision or provisions of law determined to have been violated;
 - (3) may contain an assessment of an administrative fine, an order of abatement fixing a reasonable period of time for abatement of the violation, or both an administrative fine and an order of abatement;
 - (4) shall be served on the cited person at the address of record on file with the Board personally or by certified mail with return receipt requested;
 - (5) shall inform the cited person that failure to pay the fine within 30 calendar days of the date of assessment, unless the citation is being appealed, may result in disciplinary action being taken by the Board. If a citation is not contested and the fine is not paid, the full amount of the assessed fine shall be

added to the fee for renewal of the license. A license shall not be renewed without the payment of the renewal fee and fine;

- (6) shall inform the cited person that, if he/she desires an informal conference to contest the finding of a violation, the informal conference shall be requested by written notice to the Board within 30 calendar days from service of the citation;
 - (7) shall inform the cited person that, if he or she desires a hearing to contest the finding of a violation, that hearing shall be requested by written notice to the Board within 30 calendar days from service of the citation.
- {Amended, effective September 24, 2005 }

473.1. Assessment of Administrative Fines.

- (a) In no event shall the administrative fine be less than \$50 or exceed \$5,000 for each violation.
- (b) In determining the amount of an administrative fine, the Executive Officer shall consider the following factors:
 - (1) The nature and severity of the violation;
 - (2) The good or bad faith exhibited by the cited person;
 - (3) The history of previous violations;
 - (4) The extent to which the cited person has cooperated with the Board and the Board's investigation;
 - (5) The extent to which the cited person has mitigated or attempted to mitigate any damage or injury caused by his/her violation;
 - (6) Any factors in extenuation or aggravation related to the violation;
 - (7) Other matters as may be appropriate.

473.2. Appeal of Citations.

- (a) Any person served with a citation issued pursuant to Section 473 may contest the citation by submitting a written request for a hearing to the Board within 30 calendar days of service of the citation. Such hearings shall be conducted pursuant to the Administrative Procedure Act, Chapters 4.5 and 5, commencing with Section 11400) of Part 1 of Division 3 of Title 2 of the Government Code.
- (b) In addition to requesting a hearing as described in subsection (a), the cited person may, within 30 calendar days of service of the citation, submit a written request for an informal conference with the Executive Officer.
- (c) The Executive Officer shall, within 30 working days of receipt of a written request for an informal conference as provided in subsection(b), hold an informal conference with the cited person and/or his or her legal counsel or authorized representative. The 30- day period may be extended by the Executive Officer for good cause. Following the informal conference, the Executive Officer may affirm, modify, or dismiss the citation, including any administrative fine assessed or order of abatement issued. An order affirming, modifying, or dismissing the original citation shall be served on the cited person within 30 calendar days from the informal conference. Said order shall state in writing the reasons for the affirmation, modification, or dismissal of the original citation. If the order affirms or modifies the original citation, said order shall fix a reasonable period of time for abatement of the violation or payment of the fine. Service of this order shall be made as provided in Section 473. This order shall be considered the conclusion of the informal conference proceedings.

- (d) If the citation is affirmed or modified following the informal conference, the cited person may request a hearing as provided in subsection (a) within 30 calendar days from service of the order described in subsection (c). The cited person shall not be permitted to request another informal conference. ,
- (e) If the citation is dismissed after the informal conference, the request for a hearing, if any, shall be deemed to be withdrawn.
- (f) Submittal of a written request for a hearing as provided in subsection (a), an informal conference as provided in subsection (b), or both stays the time period in which to abate the violation and/or to pay the fine.
- (g) If the written request for a hearing as provided in subsection (a) or an informal conference as provided in subsection (b) or both is not submitted within 30 calendar days from service of the citation, the cited person is deemed to have waived his/her right to a hearing or an informal conference.

473.3. Compliance with Citations.

- (a) If a cited person who has been issued an order of abatement is unable to complete the correction within the time set forth in the citation because of conditions beyond his/her control after the exercise of reasonable diligence, then he/she may request from the Executive Officer an extension of time within which to complete the correction. Such a request shall be in writing and shall be made within the time set forth for abatement.
- (b) Failure of the cited person to abate the violation or to pay the fine within the time allowed is grounds for suspension or revocation of the cited person's license.
- (c) If the cited person fails to pay all of the fine within the time allowed, the balance due for the fine shall be added to the renewal fee for the license, and the license shall not be renewed until the fine is paid in full.
- (d) If a hearing as provided in Section 473.2(a) is not requested, payment of the fine shall not constitute an admission of the violation charged.
- (e) Payment of the fine shall be represented as satisfactory resolution of the matter for purposes of public disclosure.

473.4. Disconnection of Telephone Service.

- (a) If, upon investigation, the Executive Officer has cause to believe that a professional engineer or professional land surveyor, who is not otherwise exempted from the provisions of the Professional Engineers Act or the Professional Land Surveyors' Act, has violated Sections 6787 or 8792 of the Code by advertising in a telephone directory, without being properly licensed, the Executive Officer may issue a citation under Section 473 containing an order of abatement which requires the cited person to both cease the unlawful advertising and notify the telephone company furnishing services to the cited person to disconnect the telephone services furnished to any telephone number contained in the unlawful advertising, and that subsequent calls to that number shall not be referred by the telephone company to any new telephone number obtained by that person. The cited person shall provide written evidence of compliance to the Executive Officer.
- (b) If the cited person fails to comply with an order of abatement as described in subsection (a) within the time allowed, the Executive Officer shall inform the Public Utilities Commission of the violation in accordance with Business and Professions Code section 149.

474. Establishment of Criteria.

The criteria for the selection of a contractor are: professional excellence, demonstrated competence, specialized experience of the person, education and experience, ability to meet schedules, nature and quality of completed work, reliability of the person, location and other considerations the Executive Officer deems necessary to the performance of the contract.

474.1. Request for Qualifications.

- (a) Where a project requires professional engineering or land surveying services the Executive Officer shall make a statewide request for qualifications through the publications of the respective professional societies and in other appropriate publications.
- (b) The request for qualifications shall contain the following information: the nature of the work, the criteria upon which the award shall be made, the name of the contact person, the address to send statements of qualifications and performance data , and the deadline by which the statements must be received.
- (c) The Executive Officer shall provide a copy of each request for qualifications to all small businesses who have indicated an interest in receiving the request. A failure of the Executive Officer to send a copy of a request for qualifications to any person shall not operate to preclude any contract.

474.2. Selection of Engineers and Land Surveyors.

After expiration of the deadline stated in the publications, as specified in Section 474.1, the Executive Officer, in conjunction with no less than three persons selected by the Executive Officer, shall evaluate statements of qualifications and performance data of firms which have been submitted to the Board. Based upon the statement of qualifications and performance data, a list ranking the qualified firms will be made.

From a list of three or more qualified firms, the Executive Officer shall select the first three ranked firms for contract negotiation to provide the services required. Where three qualified firms cannot be found which could provide the required service, the Executive Officer may then select from the available firms or issue a new request for proposal. Selections based on less than three firms must be documented with the names and addresses of firms contacted by the Executive Officer and the reasons why the provisions of this section could not be met. This documentation shall be maintained in the Boards Contract file.

474.3. Conflict of Interest/Unlawful Activity.

Governmental agency employees who are related to persons seeking to contract under these regulations shall not participate in any aspect of the contract review or selection process. Further, any practice that results in an unlawful activity including, but not limited to, rebates, kickbacks, or any other unlawful consideration shall be prohibited.

474.4. Amendments.

In instances where the Board effects a necessary change in the project during the course of performance of the contract, the contractor's compensation may be adjusted by negotiation of a mutual written agreement in a fair and reasonable amount where the amount of work to be performed by the contractor is changed from that which the parties had originally contemplated.

474.5. Contracting in Phases.

Should the Board determine that it is necessary or desirable to have a given project performed in phases, it will not be necessary to negotiate the total contract price or compensation provisions in the initial instance, provided that the Board shall have determined that the person is best qualified to perform the whole project at a fair and reasonable cost, and the contract contains provisions that the Board, at its option, may utilize the person for other phases and that the person will accept a fair and reasonable price for subsequent phases to be later negotiated and reflected in a subsequent written instrument. The procedure with regard to negotiation provided for in Section 6106 of the Public Contract Code shall be applicable.

475. Code of Professional Conduct – Professional Engineering

To protect and safeguard the health, safety, welfare, and property of the public, every person who is licensed by the Board as a professional engineer, including licensees employed in any manner by a governmental entity or in private practice, shall comply with this Code of Professional Conduct. A violation of this Code of Professional Conduct in the practice of professional engineering constitutes unprofessional conduct and is grounds for disciplinary action pursuant to Section 6775 of the Code. This Code of Professional Conduct shall be used for the sole purpose of investigating complaints and making findings thereon under Section 6775 of the Code.

(a) Compliance with Laws Applicable to a Project:

A licensee shall provide professional services for a project in a manner that is consistent with the laws, codes, ordinances, rules, and regulations applicable to that project. A licensee may obtain and rely upon the advice of other professionals (e.g., architects, attorneys, professional engineers, professional land surveyors, and other qualified persons) as to the intent and meaning of such laws, codes, and regulations.

(b) Conflict of Interest:

- (1) If a licensee provides professional services for two or more clients on a project or related projects, the licensee shall disclose in writing to those clients and property owners or their authorized representatives his or her relationship to those clients.
- (2) If a licensee has a business association or a financial interest which may influence his or her judgment in connection with the performance of professional services, the licensee shall fully disclose in writing to his or her client(s) or employer(s) the nature of the business association or the financial interest.
- (3) A licensee shall not solicit or accept payments, rebates, refunds, or commissions, whether in the form of money or otherwise, from contractors or suppliers of material, systems, or equipment in return for specifying their products to a client or employer of the licensee.
- (4) A licensee, while engaged by a governmental agency as an officer, employee, appointee, agent, or consultant of that agency shall not engage in a professional engineering business or activity that may be subject to that licensee's direct or indirect control, inspection, review, audit, or enforcement on behalf of that agency, unless the circumstances are disclosed to and approved by that agency in writing prior to such engagement.

(c) Representations:

- (1) A licensee shall not misrepresent his or her qualifications to a prospective or existing client or employer.

- (2) A licensee shall not misrepresent to a prospective or existing client the licensee's scope of responsibility in connection with projects or services for which the licensee is receiving or will receive compensation from that client.
- (3) A licensee shall not misrepresent his or her scope of responsibility in connection with projects or services for which the licensee is claiming credit.
- (4) A licensee shall not misrepresent nor permit the misrepresentation of his or her professional qualifications, or affiliations or the affiliations or purposes of the institutions, organizations, or other businesses with which he or she is associated.
- (5) When providing information in connection with a person's application for a license to practice professional engineering, a licensee shall accurately represent his or her knowledge of the applicant's qualifications.
- (6) A licensee may advertise or solicit for any services for which he or she is authorized by licensure.
- (7) A licensee shall only express professional opinions that have a basis in fact or experience or accepted engineering principles.
- (8) A licensee shall attribute proper credit to others for their professional work or professional contribution and shall not misappropriate the professional work of others.
- (9) A licensee shall not knowingly permit the publication or use of his or her data, reports, plans, or other professional documents for unlawful purposes.
- (10) A licensee shall not falsely or maliciously injure or attempt to injure the reputation or business of others.
- (11) A licensee shall not misrepresent data and/or its relative significance in any professional engineering report.

(d) Confidential Information:

Confidential information obtained by a licensee, in his or her professional capacity, concerning a client, employer, or other related party shall not be disclosed by the licensee without the permission of the client, employer, or other related party except for the following:

- (1) Disclosures made in response to an order of the court or to a subpoena or summons enforceable by an order of the court.
- (2) Disclosures made in an adjudicatory proceeding.
- (3) Disclosures made in response to an official inquiry from a governmental regulatory agency.
- (4) Disclosures made when required by law.
- (5) Disclosures made upon discovering a hazard within the licensee's field of professional expertise which may threaten the health, safety, and welfare of the public.
- (6) Disclosures made when providing evidence to the Board regarding other licensees or unlicensed individuals who may have violated the Professional Engineers Act.
- (7) Disclosures made regarding illegal conduct.

As used in this section, "confidential information" means information identified as confidential by the licensee's client, employer, or other related party.

(e) Document Submittal:

- (1) A licensee shall not misrepresent the completeness of the professional documents he or she submits to a governmental agency.

- (2) A licensee shall not misrepresent the completeness of the professional documents he or she prepared to his or her client or to other involved parties.

476. Code of Professional Conduct – Professional Land Surveying

To protect and safeguard the health, safety, welfare, and property of the public, every person who is licensed by the Board as a professional land surveyor or professional civil engineer legally authorized to practice land surveying, including licensees employed in any manner by a governmental entity or in private practice, shall comply with this Code of Professional Conduct. A violation of this Code of Professional Conduct in the practice of professional land surveying constitutes unprofessional conduct and is grounds for disciplinary action pursuant to Section 8780 of the Code. This Code of Professional Conduct shall be used for the sole purpose of investigating complaints and making findings thereon under Section 8780 of the Code.

(a) **Compliance with Laws Applicable to a Project:**

A licensee shall provide professional services for a project in a manner that is consistent with the laws, codes, ordinances, rules, and regulations applicable to that project. A licensee may obtain and rely upon the advice of other professionals (e.g., architects, attorneys, professional engineers, professional land surveyors, and other qualified persons) as to the intent and meaning of such laws, codes, and regulations.

(b) **Conflict of Interest:**

- (1) If a licensee provides professional services for two or more clients on a project or related projects, the licensee shall disclose in writing to those clients and property owners or their authorized representatives his or her relationship to those clients.
- (2) If a licensee has a business association or a financial interest which may influence his or her judgment in connection with the performance of professional services, the licensee shall fully disclose in writing to his or her client(s) or employer(s) the nature of the business association or the financial interest.
- (3) A licensee shall not solicit or accept payments, rebates, refunds, or commissions, whether in the form of money or otherwise, from contractors or suppliers of material, systems, or equipment in return for specifying their products to a client or employer of the licensee.
- (4) A licensee, while engaged by a governmental agency as an officer, employee, appointee, agent, or consultant of that agency shall not engage in a professional land surveying business or activity that may be subject to that licensee's direct or indirect control, inspection, review, audit, or enforcement on behalf of that agency, unless the circumstances are disclosed to and approved by that agency in writing prior to such engagement.

(c) **Representations:**

- (1) A licensee shall not misrepresent his or her qualifications to a prospective or existing client or employer.
- (2) A licensee shall not misrepresent to a prospective or existing client the licensee's scope of responsibility in connection with projects or services for which the licensee is receiving or will receive compensation from that client.
- (3) A licensee shall not misrepresent his or her scope of responsibility in connection with projects or services for which the licensee is claiming credit.
- (4) A licensee shall not misrepresent nor permit the misrepresentation of his or her professional qualifications, or affiliations or the affiliations or purposes of

the institutions, organizations, or other businesses with which he or she is associated.

- (5) When providing information in connection with a person's application for a license to practice professional land surveying, a licensee shall accurately represent his or her knowledge of the applicant's qualifications.
 - (6) A licensee may advertise or solicit for any services for which he or she is authorized by licensure.
 - (7) A licensee shall only express professional opinions that have a basis in fact or experience or accepted land surveying principles.
 - (8) A licensee shall attribute proper credit to others for their professional work or professional contribution and shall not misappropriate the professional work of others.
 - (9) A licensee shall not knowingly permit the publication or use of his or her data, reports, maps, or other professional documents for unlawful purposes.
 - (10) A licensee shall not falsely or maliciously injure or attempt to injure the reputation or business of others.
 - (11) A licensee shall not misrepresent data and/or its relative significance in any professional land surveying report.
- (d) Confidential Information:
Confidential information obtained by a licensee, in his or her professional capacity, concerning a client, employer, or other related party shall not be disclosed by the licensee without the permission of the client, employer, or other related party except for the following:
- (1) Disclosures made in response to an order of the court or to a subpoena or summons enforceable by an order of the court.
 - (2) Disclosures made in an adjudicatory proceeding.
 - (3) Disclosures made in response to an official inquiry from a governmental regulatory agency.
 - (4) Disclosures made when required by law.
 - (5) Disclosures made upon discovering a hazard within the licensee's field of professional expertise which may threaten the health, safety, and welfare of the public.
 - (6) Disclosures made when providing evidence to the Board regarding other licensees or unlicensed individuals who may have violated the Professional Land Surveyors' Act.
 - (7) Disclosures made regarding illegal conduct.
As used in this section, "confidential information" means information identified as confidential by the licensee's client, employer, or other related party.
- (e) Document Submittal:
- (1) A licensee shall not misrepresent the completeness of the professional documents he or she submits to a governmental agency.
 - (2) A licensee shall not misrepresent the completeness of the professional documents he or she prepared to his or her client or to other involved parties.