

## Corruption within our Waning Profession

There is never any lack of discussion surrounding the much storied Professional Land Surveyor's exam in the great state of California. The principle behind the licensing of land surveyors is simply to protect the public. The exam is to insure the public that the person offering surveying services has the minimum qualification to be a surveyor, ethically, professionally and as a functional administrator. Once passed, it allows an individual to practice as defined in section 8726 of the Professional Land Surveyor's Act (PLSA). Most of us have read, continue to re-read and clearly understand the practice as defined. Those who have not read this section recently should find time to do so. When further clarification is needed, professionals often call on other respected professionals or inquire the members of the local Joint Professional Practices Committee (JPPC) or the Survey and Land Use Committee of the County Engineers Association of California (CEAC) for an opinion. The PPC is a professional peer group and CEAC is collection of county surveyors. The final interpretation of law is with the Board of Registration for Professional Engineers and Land Surveyors which in turn depends on the office of the Attorney General for the legal interpretation. Another good source of the interpretation of the law is to look at the enforcement cases<sup>1</sup>.

It is truly remarkable that the practice of land surveying is governed by a mere twenty-two page document<sup>2</sup>. Equally remarkable is the percentage of surveyors who choose to ignore or "interpret" the law contrary to local standard of practice and any and all of those organizations listed in the previous paragraph.

This brings us to the point, the practice of setting "temporary" corners. First and foremost, what is a temporary corner you ask? No need to scour the Professional Land Surveyor's Act, it is not in there. I felt professionally unsophisticated for not knowing and I had to ask for details. At first blush, I questioned, in the study of the public lands system, geodetic measurements, boundary control and mapping, the writing of land descriptions, records research and nearly twenty years of surveying, had I missed the seminars on the setting of temporary corners? I caution the reader, what you are about to read is very likely to make your professional stomach sick.

As the story's been told, a few local land surveyors write their proposals with two prices to the prospective client. The first is to set "permanent" corners which includes the setting of tagged durable monuments and the filing of a Record of Survey or a Corner Record and the second option is the setting of "temporary" corners, being the "catch me if you can" corner, usually a hub and tack or a large nail. This is a tipping point, why is there any option? The price differential is often 50%. Ask yourself, is a tacked hub not the corner to a lay person, regardless of the contract verbiage about "temporary" or "permanent" corners.

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<sup>1</sup> BPELS website [http://www.dca.ca.gov/pels/l\\_citelic.htm](http://www.dca.ca.gov/pels/l_citelic.htm)

<sup>2</sup> Reference made to the 2005 Professional Land Surveyor's Act, exceptions understood for the Business and Professions Code and Public Resource Code.

Understanding the nature of the consumer, the price of a survey can be staggering. But, it is truly a take it or leave it offer. A cost may be negotiable with a surveyor, but, the work product is not. It is not up to the individual surveyor to determine the inequalities of our current laws or the local jurisdiction's checking fees. The surveyor is tasked with providing a survey that is in conformance with the law. If an owner cannot afford it, so be it. We all get the call from the little old lady on a fixed income, her terrible neighbor is going to tear down her fence and she believes it to be on her (metes and bounds) property. Again, her ability to pay does not have anything to do with the deliverable and the filing requirements as defined in section 8762 of the PLSA. The cost of completing a survey in the county of your business could be double in the neighboring county. That is the cost of doing business in the jurisdiction.

We do not question that a house in Arizona is less expensive than a house in Newport Beach. Imagine if I were looking to move into a beach front property, the real estate "professional" tells me it is \$1.5 million, as a surveyor, I cannot afford it, he doesn't offer to furnish the house with stolen appliances and pirated cable to help me out. (If he did, I would call the police).

My best resource for survey atrocities is new hires. They, often unwittingly, tell you about their work experience which has included years of setting "temporary" property corners, boundaries of unmapped lines without the filing of a Record of Survey, digital signatures on surveys, surveying private property on the public agency's time with agency equipment and the list goes on. Recently I was asked why my cost for a Parcel Map was almost double the other estimate, my reply, "Sir, if I didn't have a license (like the proposal in your hand), I could do it for half myself, could you please send me a copy of that other proposal?" I am in the process of preparing a package for the Board of Professional Engineers and Land Surveyors (BPELS). I have found that the public is generally forthcoming with contracts, exhibits and invoices and will gladly provide this information when asked. In their mind, they paid a lot of money for a survey; the guys came out and placed a wood stake telling them it was their property corner. The public has little knowledge of tags, durable monuments or Records of Survey.

Our firm serves as the expert witness to a few attorneys; usually we are called upon to provide a boundary survey. As often as not, we are the second surveyor and the adjoining property owner is very quick point out their "corners". Again, this is the recommended byline, "Interesting, thank you for your help, may I have a copy of that exhibit, oh, do you have an invoice and contract for services? Sure, sure, I'll make copies and get these back to you." They, like us, won't like the idea that they may have been bamboozled.

We have corruption in congress and corporate America. It is naive to think surveying would be without our wretches. We will never be rid of them completely, a single rogue practitioner is an embarrassment to the profession, but, the greater crime is when they hire and "train" some of best prospects for future surveyors. These prospects are the same people that cannot pass the exam. They are not trained in proper boundary

procedures, analysis, complete research, and the filing of the Records of Survey. In the event that they do pass the exam, they practice as they have been taught. That is the greater crime.

There is an upside; the practitioners I have described, like other criminals, are a small minority of our community. Most surveyors respect our chosen profession, comply with the law and seek peer council when entering the survey fringe. Our goal must be to make this an even smaller minority. We are obligated to report these surveyors to our local JPPC or to BPELS. They are hindering our profession by misguiding our survey technicians and party chiefs, which are the future professionals. When we lament the lack of qualified surveyors and the low pass rate, the question is, if you see a clear violation, are you prepared to turn that surveyor into JPPC or BPELS? I think of it being akin to voting or jury duty, it is our civic duty.

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Mr. Woolley is currently scheduled to speak at the Fresno survey conference in January. The topic of discussion will be an expansion of this article and the steps being taken to stem the corruption of the survey profession.