

The Professional Practices Committee

The surveyor's friend or foe?

There are varying perceptions as to the role of a Professional Practices Committee (PPC). Generally, the first thoughts concerning a PPC are enforcement issues and visions of Pinkerton men. The members of the committee often see their role much more differently than their professional counterparts. The committee members on the state level are there to support local chapters in establishing a PPC and to work on issues that are a concern/benefit statewide and less subject to matters of local practice. For instance, the state committee is working on updating the "Right of Entry" pamphlets and corresponding door hangers. This was to address the reoccurring calls to the sheriff's office for trespassing onto private property, often at the cost of the surveyor in lost time. The name of the local organization may vary from county to county. For instance, in Orange County the organization is the Joint Professional Practices Committee (JPPC), as they are partnered with the Orange County chapter of American Council of Engineering Companies (ACEC), formerly Consulting Engineers and Land Surveyors of California (CELSOC).

Typically and ideally, the committee will be made up of a mix of individuals from varying practices, such as small firms, large firms, public agencies, union and non-union, etc. The better the mix of professionals, the more effective the representation. The Professional Practices Committees are formed under the Chapter of the California Land Surveyor's Association. Each local chapter, together with the committee members, determines the direction and limitations of the group. Most of the committees include the County Surveyor or a member of his/her staff.

The County Surveyor's role on a PPC is paramount to the effectiveness of the committee. The County Surveyor, in the review of submitted maps, has more contact with the public and encounters deviations from accepted practice as well as potential violations of the Business and Professions Code. The County Surveyor delivers problematic maps to the committee for review. This is the first opportunity for the committee to discuss and determine practice issues as a group. This initial discussion can end up in favor of the practitioner (s). This effectively creates a check and balance on edicts from the County Surveyor's office and serves as a benefit for all local surveyors. There is nothing to prevent (it should be encouraged) a private practitioner from calling on the PPC to review requests from the County Surveyor's office as to matters of practice. This should partially dispel any myths about the PPC being survey police. In our jurisdiction, as with most, these are open meetings and surveyors are encouraged to attend. The committees serve as a partner to all practicing surveyors.

In the state of California, surveyors are licensed to ensure they meet the minimum requirements to practice. This serves the greater purpose of protecting the public. Our laws are crafted with that designated purpose in mind. The license is issued by the Department of Consumer Affairs, Board for Professional Engineers and Land Surveyors (BPELS) in Sacramento. Under BPELS is the Enforcement Unit which is legally authorized to investigate complaints. When a complaint makes it from the Enforcement

Unit to the Board, it is important to know that the Board is comprised of one surveyor, several engineers and members of the public. Currently, there are more members of the public than professionals on the Board. This is the makeup of the Board that will ultimately decide the fate of a surveyor's license status¹. The Board's interest is compliance with the law; they will act on and prosecute all violations coming to their notice². Put simply, would you rather deal with local surveyors with no "legal" authority or members of the public with the legal authority to revoke your license? It would seem more appealing and in the best interest of all parties to try and resolve any issues of compliance with the local surveyors. This, again, should dispel the myth that the PPC (s) are the survey police, especially when compared to the makeup and authority of the Board.

Currently, there are several chapters of Professional Practices Committees throughout the state. Many of them have written guidelines that range from a one page Charter Statement to a several paged Action Guideline. The commonality amongst the chapters typically includes:

- Education of the Public and Professionals
- Maintenance of Ethical Standards
- Peer to Peer Review
- Conflict Resolution between Local Agencies and Private Practitioners and the Public
- Encouragement for Compliance with Applicable Laws
- Assist in Defining the local Standard of Practice
- Surveyors Have A Resource With Which To Bring Allegations Without Fear Of Reprisals.

As is apparent, the PPC is tasked with many functions that assist all practicing surveyors.

Many surveyors have limited contact with other surveyors in their area and might be surprised by the variations in practice, acceptable and unacceptable. As a surveyor, think of our own practice. Can you imagine the following?:

- Finding referenced monuments each and every day
- All established deed lines, for topographic mapping features tied to the boundary, construction setbacks or other purpose, have a Record of Survey
- Never hearing "I don't have to file anything, I didn't set monuments"
- Not having to explain to a potential client that there is no such thing as a temporary or approximate boundary corner
- A letter written on your behalf to the County Surveyor stating that the County Surveyor's staff overstepped their authority

¹ Reference: Business and Professions Code, Chapter 15, Article 6, Section 8780.

² Reference: Business and Professions Code, Chapter 15, Article 7, Section 8790-8791

- A letter asking you to file your Corner Record or Record of Survey in the next 90 days (as opposed to the Enforcement Unit) or a second letter after you ignored the first
- A letter being sent to all city engineers asking for compliance with the Business and Professions Code, Section 8771 as to the perpetuation of monuments
- A letter to your old party chief and good friend as to his unlicensed practice which operates at half the cost of your business due to the inability to get insurance for practice and not having the will or authority to file records
- A letter to your licensed friend working for a public agency that signs documents for your unlicensed friend's practice
- A practice dispute between the surveyor and the client being resolved by a local group of peers with no "legal" authority to prosecute for non-compliance with Business and Professions Code, Section 8759 (contracts).

These issues have touched each of us in our business. I, for one, am very thankful to those that are willing to act on our behalf to better our profession. If you were to knowingly or unknowingly run a foul of the law, wouldn't it be preferable to plead the case with local surveyors rather than with non-surveyors that have the legal authority to revoke a license?

In my humble opinion, it can be said that the PPC is the best friend of the surveyor and certainly not a foe. To those that serve on the Professional Practices Committees, thank you.

About the author

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The article includes contributions by all State PPC members.