

# LAND SURVEYORS SECTION MEETING

## MINUTES

The Land Surveyors Section of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on February 15, 2005, at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia, with the following members present:

Doyle B. Allen  
John R. McAden  
W. R. Stephenson, Jr.

Staff present for all or part of the meeting were:

Louise Fontaine Ware, Director  
Karen W. O'Neal, Deputy Director  
Mark N. Courtney, Executive Director  
Marian H. Brooks, Program Administrator

No representative was present from the Office of the Attorney General.

Mr. McAden, Chair, called the meeting to order at 9:06 a.m.

Call to Order

Mr. Stephenson moved to approve the agenda as written. Mr. Allen seconded the motion which was unanimously approved by members: Allen, McAden, and Stephenson.

Approval of  
Agenda

Wilmer F. Sirine, II, land surveyor, was present to discuss issues related to the standards for topographic surveys, the regulation of photogrammetry, and entry requirements for land surveyors.

Public Comment

The Section members discussed information regarding topographic surveys, including standards from several states. Mr. Stephenson stated that he will prepare a comparative chart that includes underlying laws and existing regulations. This chart, along with Executive Order 21, statutes, prior draft regulations, and NCEES model regulations, will be used to further consider this issue.

Discussion of  
Information  
Regarding  
Topographic  
Surveys

The Section members discussed setting lot corners in subdivisions that are under construction. The Section members stated that § 54.1-407 of the Code of Virginia, as well as 18 VAC 10-20-370.C.4, 18 VAC 10-20-380.D, and 18 VAC 10-20-380.E of the Board's regulations address this issue. Mr. Stephenson indicated that he will draft an article for the next Board newsletter that addresses this issue.

**Setting Lot  
Corners in  
Subdivisions  
That Are Under  
Construction**

The Section members discussed 18 VAC 10-20-300.4 of the Board's regulations. The Section members agreed by consensus that eligibility under this requirement is determined on a case-by-case basis. Applicants applying under this regulation must have completed a community college program with at least Land Surveying I and II courses.

**Discussion of  
Regulation 18  
VAC 10-20-  
300.4**

The Section members were provided with information from Sharon Sweet, Director of Education and Examinations, regarding a recent examination workshop and various other materials relevant to the examination. After discussion, the Section members requested that the materials sent to candidates be updated with the list of approved calculators that may be used during the examination instead of the banned list.

**Discussion of  
Land Surveyors  
Examination  
Information**

The Section members discussed a court decision regarding the brokering of land surveying services. In addition, the Section members were provided with a survey from the Oklahoma Society of Land Surveyors that was received and completed in 1999 regarding this issue.

**Discussion of  
Brokering of  
Land Surveying  
Services**

The Section members discussed Old Dominion University's General Engineering Technology Program. Mr. Stephenson provided information on this program based on his discussions with faculty at ODU. The General Engineering Technology (GET) program was developed for those students wishing to pursue a degree in geographical information systems (GIS) and not necessarily those pursuing a land surveying degree. After discussion, Mr. Stephenson moved that graduates of the GET program with specialization in Geomatics or GIS Technology be considered as holding a surveying-related degree approved by the Board pursuant to 18 VAC 10-20-300.2; however, those individuals with additional course work in the Civil Engineering Technology program may be considered under regulation 18 VAC 10-20-300.1 on a case-by-case basis. Mr. Allen seconded the motion which was unanimously approved by members: Allen, McAden, and Stephenson.

**Discussion of  
ODU General  
Engineering  
Technology  
Program**

The Section members were provided with correspondence from the Executive Director of NCEES regarding action taken by the NCEES Board of Directors concerning Fundamentals of Engineering examination booklets

**Discussion of FE  
Examination  
Issues**

reported missing after the April 2004 examination. Mr. Courtney indicated that he has corresponded with NCEES to state that he does not believe that it has been proven that the Department's examination vendor has demonstrated culpable negligent behavior.

The Section members discussed correspondence regarding licensure requirements for performing historical surveys. Mr. Allen moved to direct staff to respond to the author of the letter with the following information:

- The work the author plans on performing appears to fall within the definition of the "practice of land surveying";
- The retraced lines, even though they may be historical, have the potential to be existing property lines today;
- There is the potential for harm to private property by the physical act of surveying, such as clearing brush, digging for monumentation, etc.; and
- The lack of appreciation for history is not the issue in this matter; upholding the statutes is the issue.

Mr. Stephenson seconded the motion which was unanimously approved by members: Allen, McAden, and Stephenson.

The Section members were provided with an update on the status of bills being considered in the current session of the General Assembly, specifically, the legislation pertaining to the regulation of photogrammetrists. Mr. Allen stated that an examination is being developed by the Colonial States Boards of NCEES. In addition, the Virginia state-specific examination will also need to be reviewed to determine what changes need to be made.

The Section members were provided with various information and notices received from NCEES.

Mr. Allen provided a report from the NCEES Presidents Assembly.

Mr. Courtney stated that there have been staff changes within the Board office. Ms. Henshaw has accepted the position of Office Manager in the Board office, and a selection has been made to fill the Administrative Assistant position.

**Discussion of  
Correspondence  
Regarding  
Historical  
Surveys**

**Discussion of  
Photogrammetry  
Legislation**

**Review of  
NCEES  
Information**

**Other Business**

Mr. Courtney reminded the Section members of the upcoming APELSCIDLA Board meeting scheduled for March 17, 2005.

The Section members discussed the Registration Boards Forum at the upcoming annual meeting of the National Society of Professional Surveyors.

The Section members also discussed the upcoming NCEES Northeast Zone Meeting.

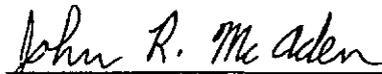
The Section members reviewed Senate Bill 921, which authorizes localities to allow relocation or alteration of lot lines by recordation of a deed, and without the requirement for a subdivision plat.

Conflict of Interest forms were completed by all members present.

**Conflict of  
Interest Forms**

There being no further business, the meeting was adjourned at 12:54 p.m.

**Adjourn**

  
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John R. McAden, Chair

  
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Louise Fontaine Ware, Secretary