



**PDHonline Course R702 (6 PDH)**

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# **Maryland Laws and Rules for Professional Land Surveyors**

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# Maryland Laws and Rules for Professional Land Surveyors

*John C. Huang, Ph.D., P.E.*

## Course Outline

This course provides a review of the Maryland Board Rules contained in Title 9 of Code of Maryland Regulations (COMAR), Surveyors Creed and Canons published by National Society of Professional Surveyors, and some Frequently Asked Questions related to the practice of land surveying. In addition, brief case summaries are presented for recent violations and the disciplinary actions taken by the Board. This course includes a multiple-choice quiz at the end, which is designed to enhance the understanding of course materials.



## Learning Objective

At the conclusion of this course, the student will:

- Be familiar with Maryland Board Laws and Rules;
- Be aware of the unprofessional conducts;
- Understand the range of penalties for professional misconducts;
- Be familiar with the mandatory continuing education requirements;
- Be familiar with the roles and responsibilities of a professional land surveyor; and
- Have a better understanding of the requirements and other regulatory provisions for practicing land surveying in the state of Maryland.

## Background

The Maryland Law requires that all licensed Professional Land Surveyors and Property Line Surveyors comply with continuing professional competency (CPC) requirements as a prerequisite to their license renewal. According to COMAR 09.13.08.03, all licensees are required to obtain 24 Continuing Professional Competency credits in each biennium to renew their licenses. At least 16 out of 24 CPC credits must be in Category A programs; no more than 8 may be in Category B programs. However, all 24 may be in Category A programs. In addition, the Board allows a carryover of no more than 12 CPC credits toward the next renewal cycle for credits in excess of 24 CPC required.

Generally speaking, any course related to business management, ethics, and practices, as applicable to the practice of land surveying or property line surveying, belongs to Category

A program while others such as personal improvement and writing courses are considered as Category B program.

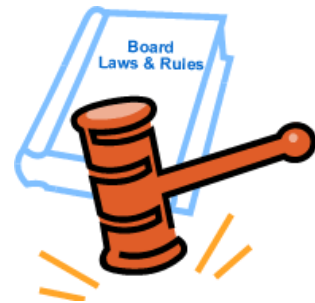
In October 2008, an amendment to COMAR 09.13.08 was proposed, and subsequently approved by the Board at the January 2009 meeting. This amendment became effective on February 9, 2009, requiring that every other licensing term, all licensees are required to complete six hours of CPC in Category A programs related to Maryland Law and Ethics or Minimum Standards of Practice. This course is designed to meet this special requirement.

## Course Introduction

Besides meeting specific requirements, such as education, experience and examination, a professional land surveyor must get familiar with the state laws and rules in order to practice land surveying in any state. While the laws and rules do vary from state to state, the basic requirements for the qualifications and the professional conduct are very similar throughout the United States.

Many state boards periodically disclose in their newsletters the disciplinary actions taken by the boards against the licensees who violated the Board Rules. The most common types of violations are:

1. Performed services outside his/her area of competence.
2. Practiced land surveying without being licensed in the state of the project.
3. Practiced or offered to practice land surveying while not properly licensed.
4. Failed to have a resident licensed professional in responsible charge in each office.
5. Failed to properly sign, seal and date documents.
6. Affixed his/her seal to work not done under his/her direct supervision or responsible charge and without preparing his/her own evaluations and written report.
7. Affixed his/her seal to inadequate design documents, failing to protect the public.



Other types of violations include:

1. Produced a deficient, substandard or inaccurate report, failing to protect the public.
2. Contracted with non-licensed individual to provide certain professional services.
3. Failed to avoid conflicts of interests.
4. Committed a crime.

To avoid the above violations, it is highly recommended for all licensees to periodically review the Board Laws and Rules. As a professional land surveyor, the licensee shall at all times recognize the primary obligation to protect the safety, health, property and welfare of the public. If a licensee's professional judgment is overruled under circumstances where the safety, health or welfare of the public is endangered, he/she shall inform the proper authorities and his/her employer of the situation as may be appropriate.

## **Course Content**

The content of this course consists of the following four parts:

- A. Board Rules for Professional Land Surveyors
- B. Surveyors Creed and Canons
- C. Frequently Asked Questions
- D. Case Studies – Violations and Disciplinary Actions

## **A. Board Rules for Professional Land Surveyors**

*The following is excerpted from [Code of Maryland Regulations](#):*

Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

### **Subtitle 13 BOARD FOR PROFESSIONAL LAND SURVEYORS**

09.13.01 Code of Ethics for the Practice of Professional Land Surveying and Property Line Surveying

09.13.02 Hearing Regulations

09.13.03 Survey Markers

09.13.04 Disciplinary Actions

09.13.05 Fees

09.13.06 Minimum Standards of Practice

09.13.07 Educational Equivalency Requirements

09.13.08 Continuing Professional Competency Requirements



Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

**Subtitle 13 BOARD FOR PROFESSIONAL LAND SURVEYORS**

**Chapter 01 Code of Ethics for the Practice of Professional Land Surveying and Property Line Surveying**

**Authority: Business Occupations and Professions Article, §15-205,  
Annotated Code of Maryland**

09.13.01.01

**.01 Definitions.**

A. In the Code of Ethics, the following words have the meaning indicated.

B. Terms Defined.

(1) "Board" means the Board for Professional Land Surveyors.

(2) "Registrant" means any person holding a certificate of registration from the State as a professional land surveyor or a property line surveyor.

09.13.01.02

**.02 Responsibility to the Public.**

In the performance of his professional duties, a registrant shall make every reasonable effort to protect the safety, health, property, and welfare of the public. If the registrant's professional judgment is overruled under circumstances in which the safety, health, property, or welfare of the public is endangered, the registrant shall inform his employer or client of the possible consequences.

09.13.01.03

**.03 Public Statements, Reports, and Testimony.**

A. A registrant may not make statements or reports, or give expert testimony, on land-surveying matters connected with public policy, if his remarks are inspired or paid for by an interested party, unless he precedes his remarks by identifying himself, by disclosing the

identity of the party on whose behalf he is speaking, and by revealing the existence of any pecuniary interest he has in the matter.

B. A registrant may express publicly a professional opinion on a land-surveying subject only when that opinion is founded upon adequate knowledge of the material facts and a background of technical competence in the subject matter.

C. In a professional report, statement, or testimony, a registrant may not be untruthful or deceptive.

09.13.01.04

#### **.04 Competency for Assignments Undertaken or Approved.**

A. A registrant may undertake or perform land-surveying assignments only when qualified to do so by education or experience, or both, in the specific field of land surveying involved.

B. A registrant may affix his signature or seal to land surveying documents only if:

(1) He is competent in the subject matter of those documents by virtue of education or experience, or both; and

(2) The documents were prepared under his direction as principal by an employee or an associate competent in the subject matter of those documents by virtue of education or experience, or both.

09.13.01.05

#### **.05 Conflicts of Interest.**

A. A registrant shall avoid conflicts of interest with his employer or client. Whenever conflicts of interest appear unavoidable, however, the registrant shall disclose promptly and fully all the circumstances to the employer or client.

B. A registrant shall promptly inform his employer or client of any business association, interests, or circumstances which may influence his judgment or the quality of his services to his employer or client.

C. A registrant may not accept compensation, financial or other, from more than one party for services on a project or for services pertaining to a project, unless he makes full disclosure to all interested parties.

D. A registrant may not solicit or accept financial or other valuable consideration from any material supplier or equipment supplier for specifying the supplier's products, except when the registrant is a previously announced employee or agent of the supplier.

E. A registrant may not solicit or accept gratuities, directly or indirectly, from any contractor, architect, engineer, land surveyor, or other party dealing with the registrant's employer or client in connection with work for which the registrant is responsible.

09.13.01.06

### **.06 Improper Solicitation of Professional Employment.**

A. Other than the usual commissions paid to licensed employment agencies, a registrant may not compensate, give anything of value, or offer to compensate or give anything of value, as follows:

- (1) To a person or organization to recommend or secure his employment as a land surveyor; or
- (2) As a reward for having made a recommendation resulting in his employment as a land surveyor.

B. When competing for professional employment, a registrant may not falsify or permit misrepresentation of his qualifications or those of his associates.

C. An employed surveyor may not solicit or accept other employment to the detriment of his regular work or the interests of his employer.

09.13.01.07

### **.07 Knowledge of Improper Conduct by Others.**

Except to the extent the rules of privilege recognized in the State apply, when questioned by any member or authorized representative of the Board concerning any alleged violation of another person or organization, a registrant may not conceal or refuse to divulge information that he may have, or make false or misleading statements about the matter.

09.13.01.08

### **.08 Designation of Registrants.**



A registrant may not use any designation after the registrant's name on any business communication which misleads the public as to whether the registrant is a professional land surveyor or a property line surveyor. For example, registrants may not use the initials "P.L.S." after their name because of the ambiguity of this designation.

09.13.01.09

**.09 Failure to Respond.**

A licensee shall respond to the Board in writing within 20 days of receipt of a written communication directed to the licensee by the Board. Failure to respond as required by this regulation may be considered by the Board to be a violation of Business Occupations and Professions Article, §15-317(a)(1)(v), Annotated Code of Maryland.

09.13.01.9999

**Administrative History**

**Effective date: December 30, 1977 (4:27 Md. R. 2106)**

Regulation .08 adopted effective May 6, 1985 (12:9 Md. R. 810)

Regulation .09 adopted effective October 20, 2008 (35:21 Md. R. 1824)

Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

**Subtitle 13 BOARD FOR PROFESSIONAL LAND SURVEYORS**

**Chapter 02 Hearing Regulations**

**Authority: Business Occupations and Professions Article, §§15-208(a) and 15-320,  
Annotated Code of Maryland**

09.13.02.01

**.01 Hearings Before the Board.**

A. Except as otherwise provided in §§B and C of this regulation, all contested case hearings before the Board shall be governed by COMAR 09.01.02.

B. The administrative unit shall send the hearing notice described in COMAR 09.01.02.07B:

(1) At least 30 days before the hearing; or

(2) If the parties have agreed to a date for which 30 days notice cannot be given, at the earliest time possible.

C. During the hearing, the presiding officer may recognize members of the Board or counsel to the Board to ask questions of witnesses or of counsel.

D. The Board may call witnesses of its own or recall witnesses to elicit facts or opinions.

09.13.02.02

**.02 Hearings Delegated to the Office of Administrative Hearings.**

All contested case hearings delegated to the Office of Administrative Hearings shall be governed by COMAR 09.01.03.

09.13.02.03

**.03 Complaint Committee.**

A. The presiding officer shall appoint one professional Board member and one consumer Board member to constitute the complaint committee.

B. The complaint committee shall:

(1) Review all complaints filed with the Board; and

(2) Make a recommendation to the full Board on the disposition of each matter.

C. Before making a recommendation on a complaint, the complaint committee may request that the Department perform an investigation to obtain additional information. After receipt of this information, the committee shall make a recommendation to the full Board.

09.13.02.9999

### **Administrative History**

**Effective date: August 25, 1978 (5:17 Md. R. 1328)**

Regulations .01 and .02 General Hearing Regulations repealed and new Regulations .01—.03 Hearing Regulations adopted effective August 4, 2003 (30:15 Md. R. 991)

Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

**Subtitle 13 BOARD FOR PROFESSIONAL LAND SURVEYORS**

**Chapter 03 Survey Markers**

**Authority: Business Occupations and Professions Article, § 15-208,  
Annotated Code of Maryland**

09.13.03.01

**.01 Purpose.**

The purpose of these regulations is to promulgate minimum standards for survey markers set by all licensees that will insure the permanency of the marker and allow for easy identification of the licensee responsible for setting the marker.

09.13.03.02

**.02 Marker Specifications.**

A. All licensees shall use a survey marker made of durable material that will activate a magnetic detector.

B. The material for a survey marker may include any one of the following:

- (1) Iron pipe;
- (2) Iron rod;
- (3) Rebar;
- (4) Impregnated plastic stake; or
- (5) Concrete monument.

09.13.03.03

### **.03 Marker Identification.**

A. The top of all survey markers, described in Regulation .02, of this chapter, set by any licensee shall have a legible inscription that identifies the licensee, corporation, or partnership responsible for setting the survey marker.

B. The top of all survey markers, described in Regulation .02, of this chapter, set by any licensee shall have a legible inscription stating the words "Property Marker" or the abbreviations "Prop. Mark." or "Prop. Mkr.".

09.13.03.04

### **.04 Existing Natural Markers.**

A. All licensees shall put an identifying mark on all existing objects that serve as markers for property corners.

B. The identifying mark may include any one of the following:

- (1) Drill hole;
- (2) Cross cut;
- (3) Square cut;
- (4) Spike;
- (5) P.K. nail; or
- (6) Lag bolt.

C. All licensees shall describe the identifying mark in any legal description or plat prepared by the licensee.

09.13.03.9999

### **Administrative History**

**Effective date: January 1, 1984 (10:16 Md. R. 1453)**

Regulation .03B amended effective January 1, 1984 (10:24 Md. R. 2188)

Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

**Subtitle 13 BOARD FOR PROFESSIONAL LAND SURVEYORS**

**Chapter 04 Disciplinary Actions**

**Authority: Business Occupations and Professions Article, §15-208(a),  
Annotated Code of Maryland**

09.13.04.01

**.01 Definitions.**

A. For purposes of Business Occupations and Professions Article, §15-318(5), Annotated Code of Maryland, the following terms have the meanings indicated.

B. Terms Defined.

(1) Gross Negligence.

(a) "Gross negligence" means a wrongful act or omission, more culpable in nature than simple inadvertence or mistake, characterized by disregard of the property rights of others. It is conduct which constitutes substantial departure from the standard of care required of professional land surveyors or property line surveyors.

(b) "Gross negligence" includes but is not limited to:

(i) Knowingly or recklessly preparing a plat or other survey document which fails to protect the rights of interested parties where the surveyor knew those rights existed;

(ii) Knowingly or recklessly failing to provide minimal supervision of employees engaged in surveying work;

(iii) Knowingly or recklessly preparing a plat or other survey document which, if properly relied upon, could lead to serious injury to persons or property.

(2) "Incompetence" means:

(a) Physical or mental incapacity; or

(b) Engaging in conduct which evidences a lack of proficiency, learning, ability, skill, or fitness necessary to perform regular duties, tasks, and functions of a professional land surveyor or property line surveyor in a reasonably effective, professional, and competent manner.

(3) Misconduct.

(a) "Misconduct" means conduct by a professional land surveyor or property line surveyor which violates the standards of integrity of the profession.

(b) "Misconduct" includes but is not limited to:

(i) Violating the Code of Ethics set out in COMAR 09.13.01;

(ii) Expressing an opinion publicly on a land surveying subject without being informed as to the facts relating to it and being competent to form a sound opinion on it;

(iii) Being untruthful, deceptive, or misleading in any professional report, statement, or testimony whether under oath, or omitting relevant and pertinent information from the report, statement, or testimony when the result of an omission would or reasonably could lead to a fallacious conclusion on the part of the client or the general public;

(iv) Performing a land surveying assignment when not qualified by training or experience in the type of land surveying involved;

(v) Affixing a signature and seal to any land surveying plan or document in a subject matter over which the licensed professional land surveyor or property line surveyor lacks competence by virtue of inadequate training or experience and familiarity;

(vi) Offering directly or indirectly any bribe or commission to obtain selection or preferment for a land surveying employment with the exception of the payment of the usual commission for securing salaried positions through licensed employment agencies;

(vii) Soliciting or accepting gratuities directly or indirectly from contractors, their agents, or other parties dealing with the registered land surveyor's client or employer in connection with work for which the licensed professional land surveyor or property line surveyor is responsible;

(viii) Use by a licensed professional registered land surveyor or property line surveyor of the surveyor's land surveying expertise or professional land surveying status, or both, to commit a crime;

(ix) Affixing a surveyor's seal or signature, or both, to drawings, plats, or other documents required to be sealed pursuant to Business Occupations and Professions Article, §15-502, Annotated Code of Maryland, when the document has not been personally prepared by the registered land surveyor or prepared under the surveyor's responsible supervision, direction, and control;

(x) Knowingly associating with or permitting the use of the surveyor's name or firm name in a business venture with a person or firm which the surveyor knows or has reason to believe is engaging in business or professional practices of a fraudulent or dishonest nature;

(xi) Failing to present immediately information to the Board if a licensed professional land surveyor or property line surveyor has knowledge of or reason to believe that a person or firm

is guilty of violating any of the provisions of Business Occupations and Professions Article, Title 15, Annotated Code of Maryland, or any of these rules of professional conduct.

09.13.04.9999

### **Administrative History**

**Effective date: March 18, 1991 (18:5 Md. R. 594)**

Regulation .01B amended effective January 24, 2000 (27:1 Md. R. 74)



Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

**Subtitle 13 BOARD FOR PROFESSIONAL LAND SURVEYORS**

**Chapter 05 Fees**

**Authority: Business Regulation Article, §§2-106.1 and 2-106.2; Business Occupations and Professions Article, §§15-101, 15-207—15-209, 15-306, 15-311, 15-312, 15-314—15-316, 15-321, 15-403, 15-404, and 15-406; Annotated Code of Maryland**

09.13.05.01

**.01 Purpose.**

This chapter is intended to carry out the provisions of Business Regulation Article, §§2-106.1 and 2-106.2, Annotated Code of Maryland, and Business Occupations and Professions Article, Title 15, Annotated Code of Maryland. In particular, it is intended to set various fees in order to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the State Board of Architects, the State Board of Certified Interior Designers, the State Board of Examiners of Landscape Architects, the State Board for Professional Engineers, and the State Board for Professional Land Surveyors.

09.13.05.02

**.02 Definitions.**

A. In this chapter, the following terms have the meaning indicated.

B. Terms Defined.

(1) "Board" means the State Board for Professional Land Surveyors.

(2) "Design boards" means collectively the:

(a) State Board of Architects;

(b) State Board of Certified Interior Designers;

(c) State Board of Examiners of Landscape Architects;

(d) State Board for Professional Engineers; and

(e) Board.

(3) "License fee" means the fee paid by an applicant or licensee, as applicable, in connection with the issuance and renewal of a license and the issuance of a reciprocal license.

(4) "Permit fee" means the fee paid in connection with the issuance and renewal of a permit.

(5) "Secretary" means the Secretary of Labor, Licensing, and Regulation.

09.13.05.03

### **.03 Fees and Costs.**

A. The Secretary and the design boards have agreed to average their direct and indirect costs, based on the calculation of costs performed by the Secretary in consultation with the design boards. Based on these calculations, the Board sets the following fees:

(1) License fee — \$68;

(2) Permit fee — \$100;

(3) Nonrefundable initial application fee payable in connection with:

(a) An application for permit — \$35;

(b) An application for license by reciprocity — \$50;

(4) Reinstatement fee — \$100;

(5) Verification fee — \$20;

(6) Replacement license certificate fee — \$35.

B. An applicant for the appropriate licensing examination shall pay the following examination fees directly to the Board or its designee, as these fees are established by the National Council of Examiners of Engineers and Surveyors:

(1) Fundamentals of Land Surveying — \$100;

(2) Principles and Practice — \$165.

C. An applicant shall pay \$35 to the Board or its designee in connection with the Maryland Law and Ethics Issues portion of the examination.

D. An applicant shall pay \$35 to the Board or its designee in connection with the Maryland Storm Drain and Road Grade portion of the examination.

E. An applicant approved by the Board to take the appropriate licensing examination, and for whom the Board ordered appropriate examination materials, is not entitled to a refund of applicable fees paid under §B, C, or D of this regulation. An applicant who notifies the Board of the applicant's election not to take the appropriate licensing examination before the Board orders appropriate examination materials is entitled to a refund of applicable fees under §B, C, or D of this regulation.

F. An applicant for the appropriate licensing examination shall pay to the Board or its designee the testing service fee of \$60 in connection with the testing services.

09.13.05.04

#### **.04 Retired Status License.**

The Board sets the following fees in connection with a retired status license:

A. Retired status license fee — \$25;

B. Reactivation from retired status fee — \$100 for each lapsed licensing period, but not to exceed \$300.

09.13.05.9999

#### **Administrative History**

**Effective date: August 16, 1993 (20:16 Md. R. 1277)**

Regulation .01A amended effective December 18, 1995 (22:25 Md. R. 1961)

Regulation .01 repealed and new Regulation .01 adopted as an emergency provision effective September 5, 1997 (24:20 Md. R. 1401); adopted permanently effective January 26, 1998 (25:2 Md. R. 76)

Regulation .01 amended as an emergency provision effective December 18, 1998 (26:2 Md. R. 103); amended permanently effective May 3, 1999 (26:9 Md. R. 730)

Regulation .01 amended as an emergency provision effective February 25, 2000 (27:7 Md. R. 703); emergency status expired August 22, 2000; amended permanently effective October 30, 2000 (27:21 Md. R. 1975)

Regulation .01A, B amended as an emergency provision effective December 11, 2000 (27:26 Md. R. 2354); amended permanently effective April 30, 2001 (28:8 Md. R. 759)

Regulation .01 repealed and new Regulations .01—.03 adopted as an emergency provision effective July 1, 2003 (30:14 Md. R. 932); adopted permanently effective November 10, 2003 (300:22 Md. R. 1578)

Regulation .03A amended effective April 9, 2007 (34:7 Md. R. 697); November 1, 2010 (37:22 Md. R. 1553)

Regulation .03B amended effective May 10, 2004 (31:9 Md. R. 712); July 31, 2006 (33:15 Md. R. 1280)

Regulation .03B amended as an emergency provision effective April 13, 2008 (35:9 Md. R. 891); amended permanently effective July 17, 2008 (35:14 Md. R. 1246)

Regulation .03F amended effective July 31, 2006 (33:15 Md. R. 1280)

Regulation .04 adopted as an emergency provision effective October 1, 2003 (30:23 Md. R. 1650); adopted permanently effective March 1, 2004 (31:4 Md. R. 314)

Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

**Subtitle 13 BOARD FOR PROFESSIONAL LAND SURVEYORS**

**Chapter 06 Minimum Standards of Practice**

**Authority: Business Occupations and Professions Article, §15-208(b)(4),  
Annotated Code of Maryland**

09.13.06.01

**.01 Purpose.**

A. In the general interest of the public, these standards are promulgated to set forth the minimum acceptable level of performance to be exercised by all individuals practicing professional land surveying and property line surveying in Maryland.

B. If anything contained in these regulations conflicts with other federal or State requirements, the more stringent requirements shall be followed.

09.13.06.02

**.02 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "As-constructed survey" has the meaning stated in Regulation .07 of this chapter.

(2) "Bench mark" means an identifiable stable reference point established as a record for future use or reestablishment of the elevation datum of a survey requiring vertical data.

(3) "Boundary survey" has the meaning stated in Regulation .03 of this chapter.

(4) "Consumer" means a property owner or a prospective property owner, as the case may be, for whose benefit surveying services are performed.

(5) "Date" means the date of the latest field work.

(6) "Licensee" means:

(a) A professional land surveyor as stated in Business Occupations and Professions Article, §15-101(l), Annotated Code of Maryland; or

(b) A licensed property line surveyor as stated in Business Occupations and Professions Article, §15-101(g), Annotated Code of Maryland.

(7) "Metes and bounds description" has the meaning stated in Regulation .08 of this chapter.

(8) "Monument" means an identifiable object or marker which physically identifies the location of property division lines or other survey points on the ground.

(9) "Planimetric survey" has the meaning stated in Regulation .05 of this chapter.

(10) "Plat" means a drawing prepared at an appropriate scale to show the results of the findings and conclusions of a survey.

(11) "Positional tolerance" means the maximum acceptable amount of positional uncertainty for any physical point on a survey relative to any other physical point on the survey, including lead-in courses.

(12) "Positional uncertainty" means the uncertainty in location due to random errors in measurement of any physical point on a survey based on the 95 percent confidence level.

(13) "Right of way/easement survey" has the meaning stated in Regulation .09 of this chapter.

(14) "Special purpose survey" has the meaning stated in Regulation .10 of this chapter.

(15) "Survey" means the process of conducting research, performing field measurements and observations, and applying mathematical principles to determine or obtain the data necessary to record, display, or indicate, or all of these, land boundaries, land areas, and the position and characteristics of any natural or artificial, or both, features on or near the surface of the earth.

(16) "Survey marker" means, within the meaning of COMAR 09.13.03, an identifiable point, object, or mark which physically identifies the location of any point utilized or established to fix the position of a survey control station.

(17) "Surveyor" means:

(a) A professional land surveyor as stated in Business Occupations and Professions Article, §15-101(l), Annotated Code of Maryland;

(b) A licensed property line surveyor as stated in Business Occupations and Professions Article, §15-101(g), Annotated Code of Maryland; or

(c) An individual otherwise authorized to practice professional land surveying or property line surveying under Business Occupations and Professions Article, §15-303, Annotated Code of Maryland.

(18) "Topographic survey" has the meaning stated in Regulation .04 of this chapter.

(19) "Witness monument" means an identifiable point, object, or marker offset from the position of a survey marker, boundary point, or line which is used for the purpose of identifying the position of the survey marker, boundary point, or point on line through the use of distance measurements or angular measurements, or both.

09.13.06.03

### **.03 Boundary Surveys.**

#### **A. Purpose.**

(1) The boundary survey is a means of marking boundaries for sufficient definition and identification to uniquely locate each lot, parcel, or tract.

(2) The purpose of a boundary survey is to establish, reestablish, or describe, or all of these, the physical position and extent of the boundaries of real property.

#### **B. Product.**

(1) Unless otherwise directed by the party requesting the survey, sufficient monuments or reference control points which were used to determine the property lines shall be:

(a) Set or recovered on the ground, to the extent feasible; and

(b) Shown on a plat upon completion of the boundary survey so that the property lines can be determined or readily reestablished.

(2) If a plat is not required by the party requesting the survey, the surveyor shall make a reasonable effort to maintain adequate records to substantiate the surveyor's professional opinion in reestablishing property lines and corners on a survey.

#### **C. Research and Investigation.**

(1) The surveyor shall be provided by the party requesting the survey with copies of public records and private records, if any, in sufficient scope and depth that a surveyor of ordinary prudence and skill may consider in identifying with reasonable certainty the following:

(a) The location of the property's record boundaries, so long as the information exists in the public records and is properly indexed; and

(b) Conflicting record property boundary line locations which may differently locate the property's boundaries.

(2) The surveyor shall make a reasonable effort to identify, locate, and review private survey records which are cited in the provided public records and which may:

- (a) Be material in locating the property's boundaries,
- (b) Have the potential for disclosing conflicting descriptions of the property's boundaries, or
- (c) Affect the location of the property's boundaries.

D. Monumentation. In providing appropriate monumentation for boundary surveys, a surveyor shall comply with the minimum standards for survey markers set forth in COMAR 09.13.03.

E. Field Procedures.

- (1) Field measurements shall be made by methods that will provide the precision required by this regulation.
- (2) Observable physical evidence, including boundary, possession, visible encroachments, and visible indications of rights, including evidence of recorded servitudes or those that may be acquired by prescription or adverse possession, shall be located.

F. Plats.

- (1) An original plat of a boundary survey shall be a reproducible drawing at a suitable scale, clearly indicating the results of the field work, computations, research, and record information, as compiled, checked, and analyzed.
- (2) A plat shall be prepared in conformity with the following procedures:
  - (a) A reasonably stable and durable drawing paper, linen, or film of reproducible quality, is considered suitable material for boundary survey plats;
  - (b) Plats may not be smaller than 8-1/2 X 11 inches;
  - (c) Dimensions, bearings, or angles, including sufficient data to define curves, shall be neatly and legibly shown with respect to each property boundary line;
  - (d) Markers shall be labeled as "found" or "set", with a brief description of the marker and relevant reference markers, if any, along with their spatial relationship to the subject corner;
  - (e) Relevant natural or artificial visible features shall be labeled, dimensioned, and referenced to the nearest property boundary line or represented by a symbol on the plat in its proper location, and each symbol shall clearly indicate what is represented or shall be labeled for identification either individually or in a separate key to symbols;
  - (f) Plats shall show a north arrow;
  - (g) A statement indicating the origin and method of determination of the bearings or coordinate system shall be made on a plat, and shall include one of the following:



- (i) A reference to true north, as determined by astronomic observation,
- (ii) A reference to the Maryland Coordinate System with the controlling stations and a combination factor comprised of an elevation factor and a scale factor noted,
- (iii) A reference to a local coordinate system with the controlling stations listed,
- (iv) A reference to the record bearing of a well-established line found monumented on the ground, as called for in a relevant deed or plat, or
- (v) If the above alternatives in this paragraph are not practical, a dated magnetic bearing may be used;
- (h) If separate intricate details or inserts are required for clarity, they shall be properly referenced to the portion of the plat where they apply, particularly in areas where:
  - (i) Lines of occupation do not conform to the deed lines, and
  - (ii) A comparison of adjoining properties' deed descriptions indicates the existence of a gap or an overlap;
- (i) Cemeteries and burial grounds found by the surveyor within the premises being surveyed shall be noted on the plat;
- (j) All relevant evidence of monuments found beyond the subject tract, on which establishment of the corners of the subject tract are dependent, and their application related to the survey shall be indicated;
- (k) Different line weights or delineating letters or numbers shall be used to clearly show the limits of the survey; and
- (l) Each plat shall show the following:
  - (i) Caption or title and general location of the property or a vicinity map,
  - (ii) Scale,
  - (iii) Date,
  - (iv) Land area,
  - (v) Name and address of the surveyor or firm, and
  - (vi) A statement to the effect that a licensee either personally prepared a boundary survey or was in responsible charge over its preparation and the surveying work reflected in it, all in compliance with requirements set forth in Regulation .12 of this chapter.

(3) The surveyor shall make a reasonable effort to maintain records, including names or initials of all personnel, dates of service, references to field data, such as book number, loose-leaf pages, and other relevant data.

G. Accuracy Standards.

(1) These accuracy standards address positional uncertainty and minimum angle, distance, and closure requirements for surveys.

(2) To meet these standards, the surveyor shall ascertain that the positional uncertainties resulting from the survey measurements do not exceed the allowable positional tolerance.

(3) If the size or configuration of the property to be surveyed or the relief, vegetation, or improvements on the property will result in survey measurements for which the positional uncertainty will exceed the allowable positional tolerance, the surveyor shall either:

(a) Apply the table of Minimum Angle, Distance, and Closure Requirements for Survey Measurements set forth below to the measurements made on the survey; or

(b) Employ proper field procedures and instrumentation to achieve comparable results.

(4) The surveyor shall, to the extent necessary to achieve the standards set forth in §G of this regulation, compensate or correct for systematic errors, including those associated with instrument calibration.

(5) The surveyor shall use appropriate effort propagation and other measurement design theory to select the proper instruments, field procedures, geometric layouts, and computational procedures to control and adjust random errors to achieve the allowable positional tolerance or required traverse closure.

(6) If radial survey methods are used to locate or establish points in the survey, the surveyor shall apply appropriate procedures to assure that the allowable positional tolerance of the points is not exceeded.

(7) The positional uncertainty of any physical point on a survey may be computed using a minimally constrained, correctly weighted least adjustable of the points on the survey.

(8) Positional Tolerance of Controlling Points for Boundary Surveys shall be 0.07 feet (or 20 millimeters (mm)) + 50 parts per million (ppm).

(9) The combined precision of a survey may be statistically assured by employing a combination of the following survey closure and specified procedures:

### Minimum Angle, Distance, and Closure Requirements for Survey Measurements

| <b>Direct Reading of Instrument Note (2)</b>                | <b>Instrument Reading Estimated Note (3)</b> | <b>Number of Observations Per Station Note (4)</b> | <b>Spread from Mean of D&amp;R Not to Exceed Note (5)</b>  |
|---|--|--|--|
| 20" <1>(10")  | 5" <0.1>N. A.                                | 2 D&R  | 5" <0.1>   |
| <b>Angle Closure Where N = N. of Stations Not to Exceed</b> | <b>Linear Closure Note (6)</b>               | <b>Distance Measurement</b>                        | <b>Minimum Length of Measurements Notes (8), (9), (10)</b> |
| 10"-(square root)N  | 1:15,000                                     | EDM or Double tape with Steel tape                 | (8) 81m, (9) 153m, (10) 20m                                |

Note (1) All requirements of each class shall be satisfied in order to qualify for that particular class of survey. The use of a more precise instrument does not change the other requirements, such as number of angles turned, etc.

Note (2) Instrument must have a direct reading of at least the amount specified (not an estimated reading), i.e.,: 20" = Micrometer reading theodolite, <1'> = Scale reading theodolite, 10" = Electronic reading theodolite.

Note (3) Instrument shall have the capability of allowing an estimated reading below the direct reading to the specified reading.

Note (4) D&R means the Direct and Reverse positions of the instrument telescope.

Note (5) Any angle measured that exceeds the specified amount from the mean shall be rejected and the set of angles remeasured.

Note (6) Ratio of closure after angles are balanced and closure calculated.

Note (7) All distance measurements shall be made with a properly calibrated EDM or steel tape, applying atmospheric, temperature, sag, tension, slope scale factor, and sea level corrections as necessary.

Note (8) EDM having an error of 5mm, independent of distance measured (manufacturer's specifications).

Note (9) EDM having an error of 10mm, independent of distance measured (manufacturer's specifications).

Note (10) Calibrated steel tape.

09.13.06.04

## **.04 Field Run Topographic Surveys.**

A. Purpose. The purpose of a field run topographic survey is to locate, describe, or map, or all of these, the elevations and positions of the physical features and characteristics of the surface of the earth including spot elevations, contours, and other features.

B. Product.

(1) The results of a topographic survey shall clearly show the results of the field and office work and shall be presented, depending on the type of professional services requested, in the form of:

- (a) A plat;
- (b) A worksheet;
- (c) Raw data; or
- (d) Adjusted data.

(2) Plats are intended for a release as stand-alone products. Worksheets and raw data are intended as components to be included in other surveying or engineering documents and are not intended as stand-alone products. Worksheets and raw data are not required to comply with this regulation.

C. Field Procedures.

(1) Field work shall be performed in accordance with accepted surveying theory, practice, and procedures as specified in this section.

(2) A surveyor in responsible charge shall adhere to the following procedures:

- (a) The vertical datum of a topographic survey shall run from a known bench mark, if possible, or as otherwise specified in the scope of survey services for the project;
- (b) A closed level loop, where practical, shall run through or include a second established bench mark to confirm the vertical datum;
- (c) A minimum of one bench mark shall be established on or near the surveyed site;
- (d) Topographic data may be obtained based on an assumed vertical datum, if the base elevation of the datum is obviously different than the existing datum, and if the final document clearly indicates that the data was obtained based on an assumed vertical datum; and
- (e) Field data satisfying the requirements of these regulations shall be gathered, and the surveyor shall make a reasonable effort to maintain the data.

D. Plats.

(1) An original plat of a topographic survey shall be a reproducible drawing at a suitable scale clearly indicating the results of the field work, computations, research, and record information as compiled, checked, and analyzed.

(2) A plat shall be prepared in conformity with the following procedures:

(a) A reasonable stable and durable drawing paper, linen, or film of reproducible quality is considered suitable material for topographic survey plats;

(b) Plats may not be smaller than 8-1/3 X 11 inches;

(c) The source of the vertical datum shall be noted on the plat;

(d) Relevant natural or artificial visible features shall be labeled and represented by a symbol on the plat in its proper location, and each symbol shall clearly indicate what is being represented or shall be labeled for identification either individually or in a separate key to symbols;

(e) Plats shall show a north arrow;

(f) A statement indicating the source of the bearings shall be made on the plat;

(g) The source of a coordinate system, if used on the plat, shall be identified;

(h) A description and the elevation of at least one bench mark established on or near the site for the survey shall be indicated on the plat;

(i) Cemeteries and burial grounds found by the surveyor within the premises being surveyed shall be noted on the plat;

(j) Different line weights or delineating letters or numbers shall be used to clearly show the limits of the survey;

(k) The plat shall show the following:

(i) Caption or title and general location of the property or a vicinity map,

(ii) Scale,

(iii) Date,

(iv) Name and address of the firm or surveyor, and

(v) A statement to the effect that a licensee either personally prepared a topographic survey or was in responsible charge over its preparation and the surveying work reflected in it, all in compliance with requirements set forth in Regulation .12 of this chapter; and

(l) Spot elevations shall be shown in accordance with vertical accuracy standards as specified in §E(3) of this regulation.

(3) The surveyor shall make a reasonable effort to maintain records, including names or initials of all personnel, date of service, and references to field data, such as book number, loose-leaf pages, and other relevant data.

#### E. Tolerances.

(1) Horizontal tolerances for topographic mapping shall meet the following accuracy standards of this subsection. On maps with publication scales larger than 1:20,000, not more than 10 percent of the points tested shall be in error by more than 1/30 inch, measured on the publication scale, and on maps with publication scales of 1:20,000 or smaller, 1/50 inch. These limits of accuracy shall apply in all cases to positions of well-defined points only. Well defined points are those that are easily visible or recoverable on the ground, such as monuments or markers, including:

(a) Bench marks;

(b) Property boundary monuments;

(c) Intersections of roads;

(d) Railroads;

(e) Corners of large buildings; and

(f) Other similar points.

(2) In general, what is well defined may also be determined by what is plottable on the scale of the map within 1/100 inch.

(3) Vertical tolerances for topographic mapping shall meet the accuracy standards of this subsection. Vertical accuracy, as applied to contour maps on all publication scales, shall be such that not more than 10 percent of the elevations tested shall be in error more than 1/2 the contour interval. In checking elevations taken from the map, the apparent vertical error may be decreased by assuming a horizontal displacement within the permissible horizontal error for a map of that scale.

09.13.06.05

## **.05 Field Run Planimetric Surveys.**

A. Purpose. The purpose of a field run planimetric survey is to locate, describe, or map, or all of these, the horizontal positions of the physical features and characteristics of the surface of the earth and other features.

### B. Product.

(1) The results of a planimetric survey shall clearly show the results of the field and office work, and shall be presented, depending on the type of professional services requested, in the form of:

- (a) A plat;
- (b) A worksheet;
- (c) Raw data; or
- (d) Adjusted data.

(2) Plats are intended for a release as stand-alone products. Worksheets and raw data are intended as components to be included in other surveying or engineering documents and are not intended as stand-alone products. Worksheets and raw data are not required to comply with this regulation.

### C. Field Procedures.

(1) Field work shall be performed in accordance with accepted surveying theory, practice, and procedures specified in this section.

(2) Field data satisfying the requirements of these regulations shall be gathered, and the surveyor shall make a reasonable effort to maintain the data.

### D. Plats.

(1) An original plat of a planimetric survey shall be a reproducible drawing at a suitable scale clearly indicating the results of the field work, computations, research, and record information, as compiled, checked, and analyzed.

(2) The plat shall be prepared in conformity with the following procedures:

(a) A reasonably stable and durable drawing paper, linen, or film of reproducible quality is considered suitable material for planimetric survey drawings;

(b) Plats may not be smaller than 8-1/2 X 11 inches;

(c) Relevant natural or artificial visible features shall be labeled and represented by a symbol on the plat in its proper location, and each symbol shall clearly indicate what is being represented or shall be labeled for identification either individually or in a separate key to symbols;

(d) The plat shall show a north arrow;

(e) A statement indicating the source of the bearings shall be made on the plat;

(f) The source of a coordinate system, if used on the plat, shall be identified;

(g) Cemeteries and burial grounds found by the surveyor within the premises being surveyed shall be noted on the plat;

(h) Different line weights or delineating letters or numbers shall be used to clearly show the limits of the survey;

(i) The plat shall show the following:

(i) Caption or title and general location of the property or a vicinity map;

(ii) Scale;

(iii) Date;

(iv) Name and address of the firm or surveyor; and

(v) A statement to the effect that a licensee either personally prepared a planimetric survey or was in responsible charge over its preparation and the surveying work reflected in it, all in compliance with requirements set forth in Regulation .12 of this chapter.

(3) The surveyor shall make a reasonable effort to maintain records, including names or initials of all personnel, date of service, references to field data, such as book number, loose-leaf pages, and other relevant data.

#### E. Tolerances.

(1) Horizontal tolerances for planimetric mapping shall meet the accuracy standards of this subsection. On maps with publication scales larger than 1:20,000, not more than 10 percent of the points tested shall be in error by more than 1/30 inch, measured on the publication scale, and on maps with publication scales of 1:20,000 or smaller, 1/50 inch. These limits of accuracy shall apply in all cases to positions of well-defined points only. Well-defined points are those that are easily visible or recoverable on the ground, such as the following monuments or markers, including:

(a) Property boundary monuments;



- (b) Intersections of roads;
- (c) Railroads;
- (d) Corners of large buildings; and
- (e) Other similar points.

(2) In general, what is well defined may also be determined by what is plottable on the scale of the map within 1/100 inch.

09.13.06.06

### **.06 Location Drawings.**

A. Purpose. The purpose of a location drawing is to locate, describe, and represent the positions of buildings or other visible improvements affecting the subject property.

B. Product. The location drawing shall delineate the subject property and the location of the buildings and other visible improvements on the property. Location drawings do not include foundation certifications or wall checks.

C. Approval by the Consumer and Disclosures.

(1) The surveyor may not accept compensation pursuant to this regulation until the surveyor receives a signed approval form as described in this section.

(2) A surveyor is presumed to have received the approval form, if it is delivered to the surveyor by the following means:

- (a) Personal delivery;
- (b) Regular, registered, or certified mail, return receipt requested; or
- (c) Facsimile device or email transmission capable of producing a tangible record of delivery.

(3) The approval form shall be sufficient if it is signed by the consumer, whether one or more, with respect to the property for which services pursuant to this regulation are sought.

(4) The approval form shall contain at least the following statements:

Approval Form

In connection with the purchase or refinancing of the property located at \_\_\_\_\_ (this office has been requested) (a licensed Maryland surveyor will be engaged) to prepare a location drawing. A location drawing shows the property inspected and the locations of buildings or other visible improvements affecting the property. **A LOCATION DRAWING IS NOT A BOUNDARY SURVEY AND CANNOT BE RELIED UPON BY ANYONE TO SHOW WHERE THE PROPERTY'S BOUNDARIES ARE.** The only purpose of a location drawing is to provide some assurance that improvements are located on the property. This assurance is for the use of a lender or an insurer only.

If a boundary survey, which could be relied upon for various purposes (for example setting the property markers, erecting a fence, building a garage, or making other improvements on the property), is desired, a surveyor should be contacted independently. The cost of a boundary survey will be greater than the cost of a location drawing.

For further information, contact:

Surveyor's/Company's Name:

Address:

Telephone Number:

Initial appropriate lines:

\_\_\_\_\_ I/we approve the preparation of a location drawing. I/we have read and understand that, in the absence of any problem revealed by or during the preparation of this drawing, it will be all that is required by the lending institutions and title companies for settlement.

\_\_\_\_\_ I/we request a boundary survey that will include a location drawing, and will identify property boundary lines and mark property boundary corners. I/we have read and understand that this may not be required for settlement purposes.

Consumer's Signature Consumer's Signature

\_\_\_\_\_

Date \_\_\_\_\_ Date \_\_\_\_\_

Contact Phone Number \_\_\_\_\_

(5) Upon receipt of an approval form which complies with this section and upon complying with Regulation .12A of this chapter, the surveyor shall perform the services approved by the consumer. If the consumer requests a boundary survey which includes a location drawing, the survey shall be consistent with the provisions set forth in Regulation .03 of this chapter and the requirements set forth in §D(5) of this regulation.

(6) If the consumer approves the preparation of a location drawing, the surveyor shall perform at least the following procedures:

- (a) Examine the current deed to and recorded plat, if any, of the subject parcel; and
- (b) Take sufficient on-site measurements to enable the surveyor to perform the tasks called for by this regulation with regard to the:
  - (i) Approximate locations of buildings and those other improvements referenced in this regulation,
  - (ii) Possible encroachments reasonably determined based on a visual inspection, and
  - (iii) A flood hazard zone, if requested.

(7) If, in connection with the preparation of a location drawing, a surveyor finds evidence to warrant, in the surveyor's professional opinion, the performance of a boundary survey, the surveyor shall so notify the consumer.

(8) Disclosures.

(a) If the consumer, pursuant to this regulation, has approved a location drawing, the plat prepared by the surveyor shall prominently display, at a minimum, advice to the effect that the plat:

- (i) Is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing, or refinancing;
- (ii) Is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements; and
- (iii) Does not provide for the accurate identification of property boundary lines, but this identification may not be required, for the transfer of title or securing financing or refinancing.

(b) The statements under this regulation may be written on a separate page, if the:

- (i) Separate page is stapled or otherwise permanently affixed to the plat; and
- (ii) Page containing the plat bears a prominent statement to the effect that the advice is an integral part of the plat, and is to be found on the affixed page.

(9) If the consumer, pursuant to this regulation, has approved a location drawing, the following shall be shown:

- (a) Significant buildings, structures, and other improvements, in their approximate relationship to the apparent property lines reflected in the deed, based on the field measurements taken by the surveyor, and any other evidence considered by the surveyor;
- (b) Statement with regard to the level of accuracy of distances to apparent property lines; and
- (c) Possible encroachments to the extent reasonably determined by a visual inspection of the property either way across property lines.

E. Plats.

(1) The original plat of a location drawing shall be a reproducible drawing at a scale which clearly shows the results of the field work, computations, research, and record information, as compiled, checked, and analyzed.

(2) The plat shall be prepared in accordance with the following procedures:

(a) A reasonably stable and durable drawing paper, linen, or film is considered a suitable material;

(b) Plats may not be smaller than  $8\text{-}1/2 \times 11$  inches;

(c) Plats shall show a north arrow;

(d) A statement indicating the source of the bearings shall be made on the plat;

(e) The source of a coordinate system, if used on the plat, shall be identified; and

(f) The plat shall show the following:

(i) Caption or title and address of the property or a vicinity map,

(ii) Scale,

(iii) Date,

(iv) Name and address of the firm or surveyor, and

(v) A statement to the effect that a licensee either personally prepared a location drawing or was in responsible charge over its preparation and the surveying work reflected in it, all in compliance with requirements set forth in Regulation .12 of this chapter.

(3) The surveyor shall make a reasonable effort to maintain records, including names or initials of all personnel, date of performance, and references to field data, such as book number, loose-leaf pages, and other relevant data.

09.13.06.07

**.07 As-Constructed or Record Surveys.**

A. General. At the time the surveyor performs as-constructed, sometimes referred to as an as-built, or record surveys, the surveyor shall obtain field measurements of vertical or horizontal dimensions, or both, of constructed improvements. The constructed improvements located by the survey shall be shown by symbols, notations, or delineations and shall be so certified. All plats prepared shall meet these minimum technical standards as applicable.

B. Accuracy. The horizontal or vertical accuracy, or both, shall permit the determination of whether the position of visible constructed improvements encroach upon adjoining properties or whether they are properly placed on the subject property, in rights-of-way, or in easements provided. The vertical accuracy or horizontal accuracy, or both, shall be such that it may be determined whether the position of visible improvements is in accordance with the plans or other documents as approved by appropriate jurisdictions.

C. Records. The surveyor shall make a reasonable effort to maintain records, including names or initials of all personnel, dates of service, and references to field data, such as book number, loose-leaf pages, and other relevant data.

09.13.06.08

**.08 Metes and Bounds Descriptions.**

A. Purpose. The purpose of a metes and bounds description is to create a written legal description of the subject tract of land that provides information necessary to properly locate the property on the ground and distinctly set it apart from all other properties.

B. Product.

(1) A metes and bounds description shall indicate the general location of the property by:

(a) Naming the particular lot or block, or other acceptable identification within which it is located, if the property is located in a subdivision; or

(b) By reference to the deed for the parcel being described, and information with regard to tax or election district, county, and state.

(2) The description shall also logically compile and incorporate calls for the following:

(a) Courses and distances with a statement regarding the basis of bearing;

(b) Adjoining record title lines, and rights-of-way as appropriate; and

(c) Statement of the subject land area.

(3) The point of beginning shall be carefully chosen and described in a manner which will distinguish it indisputably from any other point.

(4) Curved boundaries shall include sufficient data to define the curve, including the direction of curve, radius, arc length, chord bearing, and chord length. The description shall also include the identification of nontangent curves.

(5) If a metes and bounds description is based upon a boundary survey performed in accordance with Regulation .03 of this chapter, sufficient monuments or reference control points which were used to determine the property lines shall be called in the metes and bounds description.

(6) The metes and bounds description shall contain a statement to the effect that a licensee either personally prepared a metes and bounds description or was in responsible charge over its preparation and the surveying work reflected in it, all in compliance with requirements set forth in Regulation .12 of this chapter.

(7) The surveyor shall make a reasonable effort to maintain records, including names or initials of all personnel, dates of service, and references to field data, such as book number, loose-leaf pages, and other relevant data.

09.13.06.09

### **.09 Right-of-Way/Easement Surveys.**

A. General. A right-of-way/easement survey is a means of obtaining, reporting, or displaying, or all of these, the necessary data to establish or reestablish the location of sufficient property lines of the affected tract of land to assure the accurate location of the strip or parcel of land being described for the use and benefit of others.

B. Product. A right-of-way/easement survey shall result in the establishment of the location of lines, areas, if needed, and other relevant data. The surveyor is not required to set markers on a right-of-way/easement survey, unless required by a party requesting surveying services.

C. Compliance. In performing the right-of-way/easement survey, the surveyor shall comply with all terms, conditions, standards, and procedures that are set forth in Regulation .03 of this chapter, except as may be otherwise modified by this regulation, or by the State, its instrumentalities, or any public or corporate body having the power of eminent domain.

09.13.06.10

### **.10 Special Purpose Surveys.**

A. General. A survey not previously defined in these regulations is classified as a special purpose survey and is permitted. The purpose and conditions of this survey shall be clearly shown on the survey plats. A survey performed in accordance with this regulation may not be construed to constitute a variance from these standards.

B. Special Conditions. If special conditions exist that effectively prevent the survey from meeting the minimum standards set forth in this chapter, the special conditions and any necessary deviation from the standards shall be noted on the plat. It is a violation of regulations in this chapter to use special conditions to circumvent the intent and purpose of the minimum standards set forth in this chapter.

C. Information Purposes. Copies of a plat provided for informational purposes only may be issued without the signature or seal, or both, of the surveyor in responsible charge when it is clearly shown that the plat is invalid without the signature or seal. It is a violation of the regulations of this chapter to use this section to circumvent the intent and purpose of the minimum standards set forth in this chapter.

D. Records. The surveyor shall make a reasonable effort to maintain records, including names or initials of all personnel, dates of service, and references to field data, such as book number, loose-leaf pages, and other relevant data.

09.13.06.11

### **.11 Compliance with Federal, State, and Local Requirements.**

The surveyor shall comply with all applicable federal, State, and local requirements related to the preparation of site plans, road and street plans, subdivision plans and plats, condominium plats, foundation certifications, wall checks, sediment and erosion control plans, storm drain plans, stormwater management design plans, and any other surveying work products.

09.13.06.12

### **.12 Business Practices.**

A. Before undertaking the performance of professional services for which payment or other consideration is expected, a surveyor or a duly authorized agent of the surveyor shall discuss at least the following with the requesting party:

- (1) The type of survey required;
- (2) The limits to be surveyed;
- (3) The specific survey services to be provided;
- (4) An approximate completion time schedule; and
- (5) An agreement for payment.

B. For mutual protection, it is encouraged that a written agreement be executed by both parties. The agreement may be in the form of a memorandum, services letter, confirmation of work ordered, or any other mutually acceptable form. The agreement may also establish the extent and limitations of the surveyor's responsibilities.

C. If previously unknown factors are discovered during work that significantly affects either cost or completion schedule, the surveyor shall immediately notify the party responsible for the payment of the cost of the surveying services.

D. A licensee may not sign or seal surveys, plats, drawings, certificates, or other professional documents unless the licensee personally prepared the documents or the documents were prepared under the licensee's responsible charge.

E. Licensee In Responsible Charge. A licensee shall be considered to be in responsible charge within the meaning of Business Occupations and Professions Article, §15-101(n), Annotated Code of Maryland, if the licensee:

- (1) Has authority to make necessary revisions to surveying documents during their preparation by the licensee's employees or other subordinates;
- (2) Provides a detailed review and personal inspection of surveying documents; and
- (3) Has authority to direct the surveying tasks and provides actual direction of the specific surveying tasks performed.

F. A licensee in responsible charge shall be readily available to the licensee's employees or other subordinates on a reasonable basis to provide personal direction and direct control, as necessary and appropriate.

G. By signing and sealing surveying documents, a licensee assumes full responsibility for the preparation of the surveying documents described in this chapter and for the accuracy and adequacy of the surveying work reflected in the documents.

H. When signing and sealing surveying documents, a licensee shall indicate the license expiration date on the documents before submitting them in accordance with requirements set



forth in Business Occupations and Professions Article, §15-502(a), Annotated Code of Maryland.

09.13.06.13

### **.13 Violation of Minimum Standards.**

Violation of the minimum standards of practice by a professional land surveyor or a property line surveyor shall constitute grounds for disciplinary actions under Business Occupations and Professions Article, Title 15, Annotated Code of Maryland.

09.13.06.14

### **.14 Review.**

The Board shall undertake a periodic review of the minimum standards of practice set forth in these regulations to assure their accuracy and completeness and shall make those changes, if any, it deems appropriate.

09.13.06.9999

## **Administrative History**

### **Effective date: December 1, 1994 (21:22 Md. R. 1875)**

Annotation: Regulations .01—.10, which were adopted effective December 1, 1994, can be found at 21:21 Md. R. 1875 and 21:11 Md. R. 958. Judicial action stayed the effectiveness of these regulations. Maryland Society of Surveyors et al. v. William A. Fogle et al., Case No. 94314037/CE 188625, Circuit Court for Baltimore City. A consent order, dated January 27, 1995, required the repeal of these regulations without taking effect. The consent order included new regulations to be adopted.

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Regulations .01—.10 repealed and new Regulations .01—.14 adopted as an emergency provision effective March 1, 1995 (22:5 Md. R. 364); adopted permanently effective June 5, 1995 (22:11 Md. R. 820)

Regulation .03A, F amended effective February 10, 1997 (24:3 Md. R. 186)

Regulation .04 amended effective February 10, 1997 (24:3 Md. R. 186)

Regulation .05D amended effective February 10, 1997 (24:3 Md. R. 186)

Regulation .06A, D, E amended effective February 10, 1997 (24:3 Md. R. 186)

Regulation .08 amended effective February 10, 1997 (24:3 Md. R. 186)

Regulation .10C amended effective February 10, 1997 (24:3 Md. R. 186)

Regulation .11 amended effective February 10, 1997 (24:3 Md. R. 186)

Regulation .12A, D amended effective February 10, 1997 (24:3 Md. R. 186)

Regulation .13 amended effective February 10, 1997 (24:3 Md. R. 186)

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Chapter revised effective August 1, 2005 (32:15 Md. R. 1320)

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Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

**Subtitle 13 BOARD FOR PROFESSIONAL LAND SURVEYORS**

**Chapter 07 Educational Equivalency Requirements**

**Authority: Business Occupations and Professions Article, §15-305,  
Annotated Code of Maryland**

09.13.07.01

**.01 Purpose.**

A. This chapter applies to an applicant who seeks eligibility to sit for the applicable examination for licensure as a professional land surveyor, as described in Business Occupations and Professions Article, Title 15, Annotated Code of Maryland, and this chapter.

B. Pursuant to Business Occupations and Professions Article, §15-305, Annotated Code of Maryland, an applicant for the appropriate licensing examination as a professional land surveyor shall meet certain experiential requirements. The experience that an applicant is to demonstrate pursuant to the above statutory authority must be acceptable to the Board for Professional Land Surveyors.

C. In order to assure a minimum acceptable level of competence of an applicant immediately after the passage of the applicable examination, the Board considers that it is in the best interests of Maryland consumers that the applicant has a diversified prelicensing experience in different aspects of land surveying.

D. To further the Board's goal in protecting the interests of Maryland consumers and also in order to guide an applicant in obtaining an appropriate type and amount of pre-licensing experience, the Board is promulgating these regulations to set forth the criteria for the type and amount of work experience that may be acceptable to the Board.

09.13.07.02

**.02 Guidelines.**

A. The table in §B of this regulation sets forth the guidelines for the recommended experience criteria and tasks by surveying category. The Board has the final authority with regard to the total or partial credit for the amount of hours claimed by an applicant, the types and variety of tasks allegedly completed by an applicant, and all other matters related to these guidelines.

B. Experience Criteria and Tasks by Surveying Category.

| GUIDELINE FOR MINIMUM NUMBER EXPERIENCE HOURS PER SURVEYING CATEGORY BY LICENSING TRACK |                 |                  |                     |                   |                      |                      |                   |                            |
|---|-----------------|------------------|---------------------|-------------------|----------------------|----------------------|-------------------|----------------------------|
| License Track /Total Minimum Hrs.   | Control Surveys | Boundary Surveys | Topographic Surveys | Minor Engineering | Subdivision Planning | Construction Surveys | Location Drawings | Minimum Unallocated Hours* |
| 15-305B/3,800   | 475             | 1710             | 285                 | 570               | 285                  | 285                  | 95                | 95                         |
| 15-305C/7,600   | 1850            | 2610             | 475                 | 760               | 475                  | 475                  | 190               | 765                        |
| 15-305E/15,200  | 1900            | 5700             | 950                 | 1060              | 1060                 | 1060                 | 300               | 3170                       |
| 15-305D/22,800  | 4560            | 6840             | 1590                | 1590              | 1590                 | 1590                 | 450               | 4590                       |

Notes: For guidelines with regard to educational equivalency for the minor engineering experience, please see Regulations .03—.05 of this chapter.

\* The unallocated hours can be in a surveying category of the applicant's choice.

| DESCRIPTION OF IMPORTANT WORK TASKS AND FUNCTIONS BY SURVEYING CATEGORY |   |  |  |  |   |   |
|---|---|--|--|--|---|---|
| CONTROL SURVEYS   | BOUNDARY SURVEYS  | TOPOGRAPHIC SURVEYS  | MINOR ENGINEERING  | SUBDIVISION PLANNING   | CONSTRUCTION SURVEYS  | LOCATION DRAWINGS   |
| Compute survey data   | Prepare survey maps, plats & reports  | Prepare survey maps, plats and reports   | Compute areas and volumes  | Prepare survey maps, plats and reports   | Prepare survey maps, plats and reports  | Determine locations of boundary lines and encumbrances    |
| Analyze and adjust survey data  | Prepare land descriptions   | Compute areas and volumes  | Review documents and communicate with clients, attorneys or other interested parties | Compute areas and volumes  | Prepare worksheets for analysis of surveys  | Research and evaluate evidence from public record sources |
| Document and/or establish monuments and their records                   | Review documents and communicate with clients, attorneys or other interested parties                                  | Review documents and communicate with clients, attorneys or other interested parties | Design horizontal and vertical alignment for roads within a subdivision              | Review documents and communicate with clients, attorneys or other interested parties | Review documents and communicate with clients, attorneys, or other interested parties | Advise clients regarding boundary uncertainties           |
| Convert survey data to an appropriate datum                             | Identify & evaluate field evidence for possession, boundary line discrepancies, & potential adverse possession claims | Identify pertinent physical features, landmarks, and existing documentation          | Perform flood plain surveys  | Document and/or establish monuments and their records                                | Select appropriate vertical and/or horizontal datum                                   | Prepare Location Drawings                                 |

| CONTROL SURVEYS                                     | BOUNDARY SURVEYS   | TOPOGRAPHIC SURVEYS  | MINOR ENGINEERING                             | SUBDIVISION PLANNING  | CONSTRUCTION SURVEYS           | LOCATION DRAWINGS |
|---|--|--|---|---|--------------------------------|-------------------|
| Select appropriate vertical and/or horizontal datum | Identify pertinent physical features, landmarks and existing monumentation | Research and evaluate evidence from public record sources  | Prepare grading plans                         | Determine subdivision development requirements and constraints    | Perform construction stake out |                   |
| Recover horizontal and vertical control             | Research and evaluate evidence from public record sources                  | Research and evaluate evidence from private record sources | Design earthwork for balanced cut/fill        | Determine and prepare lot and street designs for land subdivision |                                |                   |
| Determine levels of precision and order of accuracy | Research and evaluate evidence from private record sources                 | Prepare worksheets for analysis of surveys                 | Calculate existing and proposed storm runoff  | Prepare sketches and/or preliminary plats                         |                                |                   |
| Perform differential leveling                       | Evaluate the priority of conflicting title elements                        | Perform record or as-built surveys                         | Prepare erosion control plans                 | Perform condominium surveys                                       |                                |                   |
| Perform trigonometric leveling                      | Document and/or establish monuments and their records                      | Reconcile survey and record data                           | Design storm sewers and appurtenances         | Prepare Right of Way Plats  |                                |                   |
| Calibrate instruments                               | Perform ALTA/ACSM Surveys  |  | Design stormwater management facilities       |   |                                |                   |
| Perform photogrammetric control surveys             | Identify riparian and/or littoral boundaries                               |  | Design open channels                          |   |                                |                   |
| Perform astronomic measurements                     | Document potential possession claims                                       |  | Design culverts and appurtenances             |   |                                |                   |
| Reconcile survey and record data                    | Determine vegetation species   |  | Design pavement structures and cross sections |   |                                |                   |
| Perform GPS surveys                                 | Determine location of boundary lines and encumbrances                      |  |   |   |                                |                   |
|   | Prepare worksheets for analysis of surveys                                 |  |   |   |                                |                   |

C. Regulations .03, .04, and .05 of this chapter describe more particularly the guidelines related to the educational equivalency for the minor engineering experience tasks described in this regulation.

09.13.07.03

### **.03 General Requirements.**

A. An applicant for the principles and practice examination under Business Occupations and Professions Article, §15-305, Annotated Code of Maryland, shall have 2 years of experience generally described in Business Occupations and Professions Article, §15-101(g)(vi), Annotated Code of Maryland, and commonly known as "minor engineering experience."

B. An applicant may be able to meet a 2-year experiential requirement set forth in this regulation by the following methods:

- (1) Acceptable work experience;
- (2) Acceptable education; or
- (3) A combination of acceptable work experience and acceptable education.

09.13.07.04

### **.04 Educational Equivalency.**

A. An applicant may claim 3 semester credit hours as an equivalent of 6 months of minor engineering experience after the completion, to the Board's satisfaction, of the courses described in this chapter.

B. In order to be eligible for the Board's approval, the courses of instruction shall be in the following areas:

- (1) Hydraulics;
- (2) Surface water hydrology;
- (3) Route surveying or road design;
- (4) Storm drainage system design;
- (5) Storm water management design;
- (6) Sediment and erosion control design; or
- (7) Infiltration.

C. The Board may choose to approve courses of instruction in areas other than those listed in §B of this regulation.

D. The courses described in §§B and C of this regulation are collectively referred to as eligible courses.

E. The Board may approve the eligible course if the following requirements are met:

(1) The course is offered by a university, community college, professional surveying organization, or other qualified provider acceptable to the Board; or

(2) The Board approves the individual course syllabus and description submitted by either an applicant or directly by the provider before the applicant takes the eligible course.

F. The Board may, at its discretion, approve courses successfully completed by an applicant before the effective date of this chapter if the courses meet the criteria and standards set forth in this chapter.

09.13.07.05

### **.05 Determination of Value.**

A. An applicant shall furnish, at the time of filing the appropriate examination application, evidence of having completed, to the Board's satisfaction, the eligible course or courses, as described in Regulation .04 of this chapter.

B. A semester credit hour is defined as not less than 15 standard 50-minute classroom hours of instruction.

09.13.07.06

### **.06 Board's Discretion.**

The Board has the final authority with regard to the approval of the type and value of courses and any other matters related to the educational equivalency requirements described in this chapter.

09.13.07.9999

## **Administrative History**

**Effective date: April 3, 2000 (27:6 Md. R. 641)**

Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

**Subtitle 13 BOARD FOR PROFESSIONAL LAND SURVEYORS**

**Chapter 08 Continuing Professional Competency Requirements**

**Authority: Business Occupations and Professions Article, §15-314(f),  
Annotated Code of Maryland**

09.13.08.01

**.01 Purpose.**

The public interest requires that professional land surveyors and property line surveyors provide competent services in all areas of practice. The State legislature has determined that it is in the best interest of the public to require professional land surveyors and property line surveyors to comply with the continuing professional competency requirements as a prerequisite to the renewal of an applicable license.

09.13.08.02

**.02 Definitions.**

A. In this chapter, the following terms have the meaning indicated.

B. Terms Defined.

(1) "Activity" means attending and completing qualifying courses, seminars, workshops, technical presentations, and other qualifying programs that meet the criteria and objectives of continuing professional competency.

(2) "Authorized provider" means an organization or individual reviewed and approved by the CPC Standards Committee.

(3) "Board" means the State Board for Professional Land Surveyors.

(4) "Category A/Category B programs" means the types of programs set forth in Regulation .05 of this chapter.

(5) "College/Unit/Semester/Quarter Hour" means the credit for a course described in §B(7) of this regulation, offered by a university, college, or community college.



(6) "Continuing Professional Competency (CPC) Unit" means one contact hour of instruction, presentation or other activity.

(7) "Course" means a qualifying offering with a clear purpose and objective to maintain, improve, or expand the skills and knowledge of licensee's field of practice.

(8) "CPC Standards Committee" means a committee as established in Regulation .09 of this chapter.

(9) "Mentor" means a professional land surveyor or a property line surveyor who assists an individual in the process of qualifying for and obtaining licensure as a professional land surveyor.

(10) "Qualifying program" means any course, seminar, workshop, technical presentation, or any other qualifying offering that meets the criteria set forth in Regulation .04 of this chapter.

(11) "Seminar" means a meeting or meetings of experienced participants or experts with an expert leader who conducts a discussion on a specific topic.

(12) "Workshop" means a meeting or meetings of general sessions and individual groups.

09.13.08.03

### **.03 Requirements.**

A. A licensee shall complete, as a condition of a license renewal, a minimum of 24 CPC units in each individual 2-year licensing term, as follows:

(1) All 24 CPC units may be in Category A programs; or

(2) At least 16 CPC units shall be in Category A programs, and not more than 8 CPC units may be in Category B programs.

B. As part of compliance with CPC requirements set forth in these regulations, a licensee shall complete, as a condition of a license renewal, a minimum of 6 CPC units in every other individual 2-year licensing term in content areas related to the Minimum Standards of Practice or Maryland Law and Ethics. The 6 CPC units described in this section shall be in Category A programs and shall be a part of, and not in addition to, the minimum number of CPC units otherwise required for a license renewal.

C. A maximum of 12 CPC units earned in excess of 24 CPC units that are required for a license renewal during the licensing term can be carried forward to apply as credit toward the next licensing term. The carried forward CPC units shall be applied to the same category in which they were earned.

09.13.08.04

**.04 Criteria for Qualifying Programs.**

Programs shall meet at least the following criteria in order to be considered qualifying programs:

- A. Maintain and enhance professional competency of professional land surveyors or property line surveyors;
- B. Foster improvement, advancement, and extension of professional skills and knowledge related to the practice of land surveying or property line surveying;
- C. Be offered by authorized providers;
- D. Have a stated purpose and defined content area;
- E. Be presented by presenters who are qualified in the defined content area; and
- F. Have a clearly stated time duration.

09.13.08.05

**.05 Categories of Programs.**

A. Category A Programs.

(1) A program shall meet the following requirements in order to be considered as a Category A program:

- (a) Provide for clear outcome measures in the form of a test, report, study, research paper, or any other appropriate form or method;
- (b) Have content area that includes at least one of the following:
  - (i) Issues related to COMAR 09.13.06;
  - (ii) Issues related to COMAR 09.13.07;
  - (iii) Issues related to business management, ethics, and practices, as applicable to the practice of land surveying or property line surveying; or

- (iv) Other appropriate issues or content areas; and
- (c) Meet the requirements for qualifying programs set forth in Regulation .04 of this chapter.
- (2) Programs meeting the criteria for a Category A shall be formally organized and classified as:
  - (a) University, college, and community college courses;
  - (b) Professional workshops;
  - (c) Seminars; and
  - (d) Technical presentations.
- (3) Programs may be presented:
  - (a) Live;
  - (b) Televised;
  - (c) Videotaped;
  - (d) Audiotaped;
  - (e) By the World Wide Web; or
  - (f) Other appropriate format.

**B. Category B Programs.**

- (1) A program shall meet the following requirements to be considered a Category B program:
  - (a) Have content area that includes at least one of the following:
    - (i) Self-improvement skills;
    - (ii) Language and writing courses which relate to the improvement of a licensee's business or professionally related skills; or
    - (iii) Other appropriate issues or content areas; and
  - (b) Meet the requirements for a qualifying program set forth in Regulation .04 of this chapter.
- (2) Programs meeting the criteria for a Category B program shall be formally organized and classified as:

- (a) University, college, and community college courses;
  - (b) Professional workshops;
  - (c) Seminars; and
  - (d) Technical presentations.
- (3) Programs may be presented
- (a) Live;
  - (b) Televised;
  - (c) Videotaped;
  - (d) Audiotaped;
  - (e) By the World Wide Web; or
  - (f) Other appropriate format.

09.13.08.06

**.06 Sources of Credit.**

A. A licensee may earn CPC units in the appropriate category of programs by the following methods:

- (1) Attendance and successful completion of a Category A program;
- (2) Attendance and successful completion of a Category B program;
- (3) Publishing a paper on a land surveying subject;
- (4) Publishing a book on a land surveying subject;
- (5) Mentoring activities;
- (6) Teaching of land surveying and related subjects; and
- (7) Other appropriate methods.

B. The value of the units, limitations related to the number of CPC units earned, and other related matters are as described in Regulation .07 of this chapter.

C. A licensee may not earn credits for such activities as employment as professional land surveyor or property line surveyor, repetitive attendance of the same programs without substantial modifications or updates, and other non-qualifying activities.

09.13.08.07

**.07 Determination of Units' Value.**

The conversion of other units of credit to CPC units is as follows:

A. 1 college or unit semester hour, 15 CPC units;

B. 1 college or unit quarter hour, 10 CPC units;

C. 1 continuing education unit, 10 CPC units;

D. 1 contact hour of professional development in course work seminars, or professional or technical presentations made at meetings, conventions or conferences, 1 CPC unit;

E. Each published paper on a land surveying subject, 5 CPC units;

F. Each published book on a land surveying subject, 24 CPC units;

G. Mentoring, 3 CPC units; and

H. Except for full-time faculty, teaching of land surveying and related subjects, subject to the following limitations:

(1) For the first time presentation, a presenter may claim a credit for the Category A program, provided that the presenter may claim no more than two times the number of CPC units awarded by the Board to the program presented by the same presenter; and

(2) Unless the course had been substantially modified and updated for the second and subsequent presentations, a presenter may claim a credit for the Category B program only, provided that the presenter may not claim more than half of the number of CPC units awarded by the Board to the program presented by the same presenter.

09.13.08.08

### **.08 Determination of Credits.**

- A. A licensee is eligible for CPC units only upon attendance and successful completion of the appropriate program.
- B. A licensee is not eligible to earn credits for the CPC units in the Category A program if the licensee elects to participate in the Category A program on a noncredit basis.
- C. Credit for university, college, or community college-approved courses shall be based upon course credit established by the institution.
- D. The determinations of value, appropriate category, and other matters related to the CPC units are the responsibility of the licensee, subject to review as required by the Board.

09.13.08.09

### **.09 Authorizations of Providers.**

#### A. Responsibility for Authorizing Providers.

(1) The Board shall select and establish a committee to approve providers of the CPC units (the "CPC Standards Committee").

(2) The CPC Standards Committee shall consist of the following individuals:

(a) A professional land surveyor serving on the Board;

(b) A consumer member serving on the Board;

(c) A professional land surveyor;

(d) A property line surveyor; and

(e) An educator from a higher education institution or a community college familiar with the land surveying or property line surveying curriculum.

(3) The Board shall assign the responsibility of reviewing and approving the providers to the CPC Standards Committee. The Committee shall establish guidelines and procedures for approval of authorized providers in accordance with the objectives stated in Regulations .04A and .05 of this chapter.

(4) The CPC Standards Committee shall submit quarterly reports to the Board containing the list of authorized providers approved by the Committee in the previous calendar quarter, together with any other information requested by the Board.

B. Providers' Eligibility.

(1) The following are authorized providers without any further action by the Committee:

- (a) National, regional, or State accredited academic institutions; and
- (b) National, State, or regional land surveying organizations.

(2) The following entities may be approved by the CPC Standards Committee to become authorized providers upon application and approval by the CPC Standards Committee:

- (a) Professional firms conducting in-house presentations; and
- (b) Other authorized providers.

(3) Individuals or organizations which have been denied authorized provider status by the Committee may appeal the denial to the Board within 30 days after the CPC Standards Committee notifies the individual or organization of the denial.

C. Documentation Requirements.

(1) The Board may require providers to document the CPC activities for audit by the Board at any time within the succeeding 6-year period after the first presentation of the programs. Documentation shall include registration and attendance records, stated purpose, content, presentation, time and length of the activity, and participant evaluations.

(2) The Board shall maintain and make available to licensees, as often as it considers appropriate, a roster of authorized providers.

D. Suspension and Revocation.

(1) The Board may suspend or revoke authorization as a provider if, in the judgment of the Board, the intent of Business Occupations and Professions Article, §15-314(f), Annotated Code of Maryland, is no longer served.

(2) A person whose provider's privilege has been suspended or revoked may appeal to the Board for a hearing, within 30 days after notification of the action by the Board.

09.13.08.10

**.10 Record Keeping.**

A. Responsibility to Maintain Records.

(1) The responsibility of maintaining records to be used to support the continuing professional competency credit claim is the responsibility of each licensee.

(2) A licensee shall maintain the records for a period of at least 4 years from the date of completion of the qualifying program.

B. Documentation referred to in §A(2) of this regulation, includes, but is not limited to, the following:

- (1) Certificates of participation;
- (2) Transcripts, if appropriate;
- (3) Reprints of publications;
- (4) Proof of presentations;
- (5) Title/description of the activity;
- (6) Dates attended;
- (7) Presenter's name; or
- (8) Any other appropriate information.

09.13.08.11

### **.11 Reporting Requirements for License Renewal.**

A. A licensee shall complete a form approved by the Board attesting to the satisfactory completion of the CPC requirements by the last day of the month preceding the month in which the licensee's individual license is to be renewed for the following 2-year cycle. The licensee shall submit the form along with the renewal application and appropriate fees.

B. The Board at its discretion may audit up to 10 percent of randomly selected licensees to ascertain compliance with CPC requirements.

C. Licensees who are audited shall provide any additional documentation required by the Board to complete the audit.

09.13.08.12



### **.12 Extension of Time to Meet CPC Requirements.**

A. Unless excused by the Board, a licensee shall submit a written request to the Board for an extension of time in which to complete the CPC requirements not later than 4 months before the expiration of a license.

B. Upon receipt of the request, the Board shall:

(1) Grant an extension and continue a license if the Board determines that:

(a) Failure to fulfill the requirements is clearly a result of illness, a procedural or technical difficulty or other circumstances beyond the control of the licensee, or other reasons that the Board finds appropriate; and

(b) The licensee appropriately attempted to meet the requirements; or

(2) Deny the request for an extension and deny renewal of the license.

C. If at the time of expiration of an individual license term the licensee fails to comply with the CPC requirements, the Board shall notify a licensee by certified letter of its intention not to renew the licensee's individual license.

09.13.08.13

### **.13 Failure to Meet the CPC Requirements.**

A. A licensee is entitled to a hearing if the Board decides to deny license renewal because of failure to meet CPC requirements.

B. If a licensee fails to request a hearing within 30 days of delivery to the licensee of a certified notice of a proposed denial of license renewal, the Board shall deny the license.

09.13.08.14

### **.14 Reinstatement of License.**

A licensee who wishes to reinstate a license after failing to complete the CPC requirements shall fulfill past due CPC requirements for the previous CPC reporting periods up to 48 CPC units and pay all past due fees.

09.13.08.9999

## **Administrative History**

**Effective date: January 7, 2002 (28:26 Md. R. 2272)**

Regulation .03B, C amended effective February 9, 2009 (36:3 Md. R. 208)



## **B. Surveyor's Creed and Canons:**

*The following is excerpted from [National Society of Professional Surveyors](#):*

As a Professional Surveyor, I dedicate my professional knowledge and skills to the advancement and betterment of human welfare.

### **I pledge:**

To give the utmost of performance;

To participate in none but honest enterprise;

To live and work according to the laws of humankind and the highest standards of professional conduct;

To place service before profit, honor and standing of the profession before personal advantage, and the public welfare above all other considerations;

In humility and with need for Divine Guidance, I make this pledge.

### **Canons:**

1. A Professional Surveyor should refrain from conduct that is detrimental to the public.
2. A Professional Surveyor should abide by the rules and regulations pertaining to the practice of surveying within the licensing jurisdiction.
3. A Professional Surveyor should accept assignments only in one's area of professional competence and expertise.
4. A Professional Surveyor should develop and communicate a professional analysis and opinion without bias or personal interest.
5. A Professional Surveyor should maintain the confidential nature of the surveyor-client relationship.
6. A Professional Surveyor should use care to avoid advertising or solicitation that is misleading or otherwise contrary to the public interest.
7. A Professional Surveyor should maintain professional integrity when dealing with members of other professions.

## C. Frequently Asked Questions

The following Q & A's are related to the practice of land surveying and the mandatory continuing education requirements in the state of Maryland.



### **Q. What is the difference between a statute and a regulation?**

A. The Legislature enacts statutes. Administrative agencies adopt, amend and repeal regulations under the authority granted to them by statutes. Unless the Legislature has created an exemption, agencies must follow the procedures in the Administrative Procedure Act when adopting, amending or repealing regulations. In Maryland, the Annotated Code of Maryland holds statutes while the Code of Maryland Regulations (COMAR) contains regulations, which are sometimes called rules.

### **Q. What is the meaning of seal and signature?**

A. The seal and signature of a licensee on a document indicates that the licensee takes professional responsibility for the work and to the best of the licensee's knowledge and ability, the work represented in the document is accurate, in conformance with applicable codes at the time of submission and has been prepared in conformance with normal and customary standards of practice and with a view to the safeguarding of life, health, property and public welfare.

### **Q. Can the seal be used in logos, advertising or on business cards?**

A. No. licensees are not permitted to use, or refer to, their professional seals in company logos, advertising or other promotional materials.

### **Q. Can my client alter my plans, specifications or reports?**

A. Your client may not alter your plans, specifications or reports to which the seal of a professional land surveyor has been applied unless the alteration is performed by another licensed professional land surveyor. If a document bearing the seal of a professional land surveyor is altered, the altering land surveyor shall affix to the document his/her seal and the notation "altered by" followed by his/her signature and the date of such alteration, and a specific description of the alteration.

### **Q. What if my seal is missing or stolen?**

A. Your seal is an important instrument in your practice and should be kept in a safe and secure place. The improper use of seals compromises the safety of the public as well as the integrity of the profession. In the event that your seal had gone missing, you need to notify your employer and the licensing Board.

**Q. What is the best practices for drawings, specifications and reports?**

A. On all drawings which are intended to convey surveying information and services, a title block should be provided. The title block should contain:

- the name and location of the firm providing the surveying services;
- the name of the project and project location;
- the client for whom the services have been provided;
- the date the work was completed.

In addition the title block may contain identification of those who prepared and checked the documents, as well as drawing numbers and such similar incidental items as are customary. Similar information shall be provided on the title page of all specifications and reports.

**Q. Can I use the abbreviation PLS if I am licensed as a Professional Land Surveyor in Maryland?**

A. No. Although the abbreviation PLS is commonly used in other states to designate the Professional Land Surveyor, it is specifically precluded in Maryland because there are two similar licenses in the profession: one is Professional Land Surveyor (commonly abbreviated as Prof. LS) and the other Property Line Surveyor (Prop. LS). Both licenses qualify a surveyor to engage in the full scope of practice related to boundary law, easements, plats, etc.; however, only a Professional Land Surveyor is certified to practice the minor engineering aspects of surveying, which include road grade design, stormwater management, and similar planning projects. Due to the potential for confusion, the Prop. LS license was dropped in 1989. Currently, the Board only issues Prof. LS licenses, although those practitioners who hold a grandfathered Prop. LS license are encouraged to keep their licenses active. Many have gone on to earn their Prof. LS licenses as well. So using the abbreviation PLS in Maryland is not appropriate and could be misleading.

**Q. Can I earn CPC credits besides taking courses?**

A. Yes. You may earn CPC credits through following activities:

1. Teaching CPC courses of land surveying and related subjects. For the first time presentation, instructors may claim a credit for the Category A that is equal to two times the number of CPC credits awarded.
2. Publishing a paper or book on a land surveying subject, Each paper can earn 5 CPC credits while each book 24 credits.
3. Mentoring young surveyors entering the profession. Mentors can earn 3 CPC credits per case.

**Q. Can I take all 24 CPC credits online?**

A. Yes.

**Q. Who decides if my CPC credits are acceptable or not?**

A. You have the responsibility to determine the value, appropriate category, and other matters related to the CPC units. However, the Board has the final say in whether the credits are acceptable in a specific category.

**Q. Do I have to take courses from Approved Providers?**

A. Yes, you need to take courses from the Board Approved Providers only. The Maryland Board for Professional Land Surveyors pre-approves course providers, NOT individual courses.

**Q. Does the Board audit for CPC compliance?**

A. Yes. The Board has adopted an automatic selection process for continuing education audits in the renewal process. When you renew your license online, you can tell from the renewal confirmation screen whether you have been selected for a random audit. If you are selected, you will have 30 days to present your CE certificates to your Board for review. A reminder will be sent to the email address on file. So you need to keep your email address up-to-date.

**Q. Can I change my mailing address or email address online?**

A. Yes. You may update your addresses through the website of Department of Labor, Licensing, and Regulation (DLLR). You need to enter your DLLR-supplied License Registration Number and your personally-chosen password. If you have never used the DLLR's on-line password management system, you should use the "Create My Password" option. If you need assistance, you may contact DLLR Monday-Friday 8:30 AM - 4:30 PM, at the following telephone numbers: 410-230-6231 or toll free 1-888-218-5925.

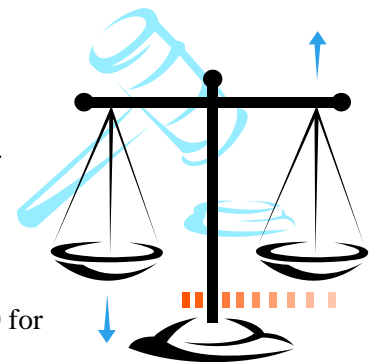
**Q. What happens if I do not respond to the Board written communication?**

A. A licensee shall respond to the board in writing within 20 days of receipt of a written communication directed to the licensee by the board. Failure to respond as required by this regulation may be considered by the board to be a violation of Business Occupations and Professions Article, §15-317 (a) (1) (v), Annotated Code of Maryland.

## D. Case Studies – Violations and Disciplinary Actions

Maryland Department of Labor, Licensing, and Regulation (DLLR) periodically discloses in their newsletters *By Design* the disciplinary actions taken by the boards against the licensees who violated the Board Rules. Please note that (1) the Boards do not provide information regarding various Consent Orders that do not contain the admission of a particular violation; and (2) the Boards do not provide information regarding cases which are, at the time the information is submitted for publication, still subject to an appeal. The following is excerpted from the Department Newsletters published in recent years:

- 06-LS-09 Stephen H. Jupitz consented to reimburse his client and take continuing education courses in the Minimum Standards of Practice and the Code of Ethics for violating Section 15-317(a)(1)(v) and COMAR 09.13.06.06 A and B, Minimum Standards of Practice.
- 04-LS-09 Wilbur Ford's Professional Land Surveyor license (#9008) was revoked as of 1/9/08 for gross negligence and misconduct for failure to meet the Minimum Standards of Practice COMAR 09.13.06.03
- 08-PE-08 Peter Seckinger was denied renewal of his PE license pursuant to Section 14-317 for conviction of a felony not related to the practice of engineering. The Board stated that it is willing to reconsider reinstatement following successful completion of two years of probation.
- 07-PE-05 Marc A. Marzullo, PE was fined \$1,500 pursuant to Section 14-317 for signing and sealing plans which he did not prepare or supervise the preparation. A reprimand has been placed against his Maryland Professional Engineer licenses #12913.
- 06-PE-11 Antoine Foy was fined \$1,000 pursuant to Sections 14-501 and 14-502 for practicing engineering without a Maryland license.
- 04-PE-03, William H. Smith was fined \$1,000.00 for violation of Section 14-502, for misrepresenting his licensing status and types of services he and his firm were authorized to offer.
- 05-PE-01 and 05-PE-02 John L. Markwalter III was fined \$5,000.00 for



each violation of Maryland Annotated Code 14-501, 14-502, 14-503, and 14-504(a) for a total of \$20,000 for practicing engineering without a license and misrepresenting his credentials to the public and using the license of another.

- 07-AR-05 Marc Harris was fined \$5,000 for violating Section 3-603 practicing without a license.
- 06-AR-06 Paul Botzler consented to follow the requirements of Section 3-103 and not sign and seal architectural drawings with a professional engineer's license.
- 06-AR-03 Sunday Ojigbo consented to a civil penalty of \$250 for violating Section 3-603 practicing without a license.
- 06-AR-01 Christopher Patete consented to a civil penalty of \$5,000 for violating Section 3-604 misrepresenting that a business may provide architectural services.
- 05-AR-06 Timothy Fennel consented to a civil penalty of \$7,500 for violating Section 3-601, 602, 603, 604 for practicing architecture without a license
- 04-LS-05 Wilbur L. Ford, Jr. (professional land surveyor). License REVOKED and licensee FINED for violation of §§15-318(a) (4) & (5), Business Occupations and Professions Article, Annotated Code of Maryland, and Code of Maryland Regulations 09.13.01.02 and 09.13.06.03, i.e. Mr. Ford failed to properly perform a boundary survey in violation of the Board's Minimum Standards of Practice; violated the Board's Code of Ethics; and actions constituted gross negligence, incompetence and misconduct.
- 06-PE-11 Antoine Foy (Unlicensed). AGREED to a FINE of \$1,000 for violation of §§14-501 and 14-502, Business Occupations and Professions Article, Annotated Code of Maryland, for signing a contract on behalf of Foy Engineering to provide engineering services in the State of Maryland without being licensed as a professional engineer in the State.
- 07-AR-03 Olufemi Sokoya (Unlicensed). AGREED to a FINE of \$500, and to repay the sum of \$2000 to the Complainant for violation of §3-601, Business Occupations and Professions Article, Annotated Code of Maryland, for practicing architecture without a license.



- 06-LS-09 Stephen H. Jupitz (property line surveyor). Licensee AGREED to complete 8 hours of course work in the Minimum Standards of Practice and also to reimburse the homeowner, for violation of §15-317(a)(1)(v), Business Occupations and Professions Article, Annotated Code of Maryland and Code of Maryland Regulations 09.13.06.06A & B for violating the Board's Minimum Standards of Practice when failing to show a neighbor's driveway on the location drawing of the subject property.
- 08-PE-08 Application for renewal of professional engineer's license DENIED based on applicant's conviction for obscene internet contact, and on the fact that he still remains on probation.
- 07-PE-03 Pursuant to the terms of the Consent Order dated August 22, 2007, John D. Elder's professional engineer's license was SUSPENDED for a period of 120 days and he was FINED \$2,000 for violation of Section 14-317(a)(1)(i) and (iii), Business Occupations and Professions Article, Annotated Code of Maryland, for failing to disclose criminal convictions on professional examination and license renewal applications.
- 04-PE-13 Carl D. Jones' professional engineer's license was SUSPENDED for a period of 180 days and he was FINED \$5000 for violation of Section 14-317(a)(1)(iv) and (vi), Business Occupations and Professions Article, Annotated Code of Maryland, and COMAR 09.23.03.01, 09.23.03.02B and C, and 09.23.03.09A for signing and sealing documents without personal inspection of the project either prior to the start of or during construction or repair of the pier-footing, for failing to provide sufficient supervision, and for failing to ensure the accuracy of information contained in the reports that were used in connection with the issuance of occupancy permit.
- 05-AR-06 Timothy Fennel was FINED \$7,500 for violation of Sections 3-601, 3-602, 3-603, and 3-604, Business Occupations and Professions Article, Annotated Code of Maryland, for practicing architecture without a license, for operating an architectural business without a permit, for misrepresenting his authority to practice architecture, and for misrepresenting his authority to operate an architectural business.

- 05-AR-01 Christopher Patete was FINED \$5,000 for violation of Section 3-604, Business Occupations and Professions Article, Annotated Code of Maryland, for misrepresenting his authority to provide architectural services without a license.
- 04-PE-03 William H. Smith was FINED \$1,000 for violation of Section 14-502, Business Occupations and Professions Article, Annotated Code of Maryland, for using the designation “P.E.” on the contract proposal, for misrepresenting his licensing status to a client, and for using the term “engineering” in the name of the firm even though neither the Respondent nor anyone else at the firm was licensed by the State Board for Professional Engineers.

### Course Summary

To safeguard the life, health, property and welfare of the public, licensed professional engineers/land surveyors must fully understand the Board Laws and Rules. A licensee who violates any provision of the Laws and Rules may be subject to disciplinary action, such as a fine, reprimand, probation, suspension or revocation of the license.



- End -

*Note: Once you finish studying the above course, you need to take a quiz online to obtain the CPC/PDH credits.*