



# PARALLAX

Newsletter of the Central Coast Chapter of the California Land Surveyors Association

Volume 5, Issue 9

September 2001

Submitted by Robert J. Reese, PLS  
**CENTRAL COAST CHAPTER  
CALIFORNIA LAND SURVEYORS ASSOCIATION  
PROFESSIONAL PRACTICES COMMITTEE  
ACTION GUIDELINES  
UPDATED September 28, 1994**

- I. PURPOSE AND POWER**
- A. The Professional Practices Committee (Committee) shall be a standing Committee of the Central Coast Chapter (Chapter) of the California Land Surveyors Association (CLSA)
  - B. These Guidelines shall regulate and guide members of the Professional Practices Committee of the Chapter according to the Bylaws of the Chapter.
  - C. The Committee shall
    - 1. encourage a high ethical standard of practice in the Land Surveying Profession
    - 2. review complaints of practices in regard to land surveying within the Chapter's boundaries
    - 3. take appropriate action concerning complaints within the scope of the Land Surveyors Act
    - 4. report to the Chapter
      - a. that an action is being taken by the Committee during an investigation
      - b. against whom and what actions have been undertaken prior to sending a Consumer Complaint to the Board of Registration
      - c. full disclosure of the particulars and actions taken by the Committee after conclusion of an investigation

- II. COMMITTEE MEMBERSHIP**
- A. The Committee shall
    - 1. consist of no less than 7 members
    - 2. consist of members in good standing in the State Association and Chapter of the CLSA
    - 3. be authorized to practice land surveying in the State of California
  - B. Two members shall be appointed
    - 1. by the Chapter President
    - 2. on the first meeting of each year
    - 3. so as to encourage rotation of members within the Committee
  - C. The President may appoint a member to fill a vacancy created by
    - 1. the resignation of a member from the Committee
    - 2. the removal of a member from the Committee
  - D. The Chairperson of the Committee shall be
    - 1. the President of the Chapter
    - 2. voted on by the Committee if chair vacancy is created by resignation or removal from the Committee of the then current Chairperson
  - E. Any member of the Committee may resign provided
    - 1. resignation is in writing to Chairperson
    - 2. 30 days notice is given
    - 3. a reason for the resignation is given.
  - F. Any member of the Committee may be removed provided
    - 1. removal is proposed Chairperson AND ratified by 2/3 of the Committee, or
    - 2. there is a majority vote of the Chapter members.

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## SEPTEMBER MEETING NOTICE

Date: Thursday, September 13, 2001 Location: A.J. Spurs  
 Time: ..... 6:30pm.....no-host cocktails 508 N. Main Street  
 ..... 7:00pm.....business meeting Templeton  
 ..... 7:15pm.....dinner Dinner: Order from Menu  
 ..... 8:00pm.....Program & Speaker Cost : Menu plus tax & tip

Program:  
 To Be Announced  
 RSVP by September 11th to:  
 Rochelle Vierra .....549-3461 or 461-3360 or email Rochelle\_Vierra@dot.ca.gov



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# CLSA Central Coast Chapter

## III. Conflict

of Interest

- A. Any Committee members shall
  1. indicate to the Committee any conflict of interest
  2. remove themselves from decision making process of the Committee if a complaint or action involves them in any way
- B. Committee members with a conflict of interest shall
  1. not be counted to determine quorum
  2. not be counted to determine majority
  3. leave Committee meeting during discussion of complaint
  4. be able to answer inquiries and provide facts to the Committee
  5. follow rules for addressing the Committee

## IV. CHAIRPERSON'S RESPONSIBILITIES

- A. The Chairperson shall
  1. be the only member authorized to speak or sign correspondence on behalf of the Committee
  2. report types of actions and particulars as outlined under I.B.3.
  3. preside over the Committee meetings
  4. prepare agenda
  5. schedule meetings
    - a. on an as-needed basis
    - b. as requested by members of the Committee
  6. keep minutes of meetings
  7. appoint temporary Chairperson as needed for meetings when
    - a. Chairperson is unable to attend meeting
    - b. Chairperson has conflict of interest on a specific complaint and only for action on that complaint
  8. maintain the Committee records of complaints, including without limitation,
    - a. by whom complaint is lodged
    - b. about whom complaint is lodged
    - c. date complaint is lodged
    - d. nature of complaint
    - e. documentation on and reports of allegations supporting complaint
  9. maintain the Committee records of actions on complaints
    - a. written and oral
    - b. by and to the Committee
  10. prepare a budget for the following year
  11. send, distribute and receive all correspondence of the Committee except as provided herein
  12. appoint the Committee member(s) to investigate any complaint(s) to be brought before the Committee for action

## V. COMMITTEE ACTION

- A. Review: Committee may review any written complaint
  1. from any Chapter member
  2. from any person authorized to practice Land Surveying in the State of California
  3. from any public agency
  4. from any member of the public
    - a. as directed by the President
    - b. as directed by the membership
- B. Nature: Complaints may be
  1. non-professional practice by a professional including, without limitation,
    - a. monumentation with no record or filing
    - b. monumentation with improper or no identification
    - c. record of monumentation with no monumentation
    - d. destruction of monuments without reconstruction or without remonumentation, including documentation
    - e. any other form of non-professional practice deemed appropriate for review by the Committee
  2. surveying by a non-professional including, without limitation,
    - a. monumentation and/or marking of boundaries
    - b. offering surveying services
    - c. using the title of "Land Surveyor" or "Professional Land Surveyor"
    - d. any other action that violates state and local laws and ordinances concerning Land Surveying
  3. actions deemed appropriate for review by the Committee
- C. Action
  1. Committee shall approve any action by vote provided
    - a. approval is by majority of a quorum at a meeting of the Committee. A quorum is no less than one half the members of the Committee
  2. Action is any communication from the Committee either written or oral
  3. Written action shall
    - (1) be on official CLSA Chapter letterhead
    - (2) be signed by the Chairperson

4. .... Oral action shall
  - (1) be by the Chairperson or a member of the Committee designated by the Chairperson
  - (2) indicate that future correspondence shall be approved by and as directed by the Committee
  - (3) have a written record of communications including
    - (a) ..... to whom
    - (b) ..... by whom
    - (c) date and time of communication
    - (d) subjects covered
    - (e) response and disposition
  - (4) be recorded and copied to the Committee, who shall be apprised as soon as practicable of any such oral action
5. The Committee shall review any correspondence from persons against whom a complaint has been lodged
6. Any person bringing a complaint before the Committee may address the Committee in person if requested in writing before a scheduled Committee meeting
7. Committee members may make inquiries and direct questions to persons outside the Committee but shall not discuss pending actions with persons outside the Committee except as provided in I.C.3.

**VI. COURSES OF ACTION AND RESPONSE**

- A. .... A complaint shall be lodged in writing as provided above
- B. ... Complaint investigation shall
  1. consist of verification and establishment of facts prior to any action by the Committee
  2. be distributed to all Committee members prior to any action by the Committee
  3. be performed by Committee members only
- C. .... Initial notification shall
  1. be in the form of a registered, return receipt letter sent to person or agency against whom the complaint has been lodged and investigated
  2. be as shown in Appendix A
  3. be sent to the person against whom complaint has been lodged as soon as practicable after complaint has been properly lodged and investigated
- D. .... Second notification shall
  1. be in the form of a registered, return receipt letter sent to the person or agency against whom the complaint has been lodged
  2. be as shown in Appendix B
  3. be copied to the County Surveyor
  4. inform the person or agency against whom the complaint has been lodged of the impending action(s) by Committee
  5. be sent to the person or agency against whom the complaint has been lodged if
    - a. no response has been received within 30 calendar days of the delivery date indicated on return receipt for the initial notification
    - b. stipulated actions have not been forthcoming in a timely manner
- E. .... Third notification shall
  1. be an official Consumer Complaint sent registered, return receipt to the State Board of Registration for Professional Engineers and Land Surveyors
  2. be copied and sent registered, return receipt to the person or agency against whom the complaint has been lodged
  3. be as shown in Appendix C
  4. be sent to the person or agency against whom the complaint has been lodged if
    - a. no response has been received within 30 calendar days (but no less than 15 calendar days) of the delivery date indicated on return receipt for the second notification
  5. be reported to the Chapter at the next available regular meeting

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LS 4597

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Pgr: (805) 227-5470

APPENDIX A

Date  
Addressee  
Address

Dear Sir/Madam:

The attention of the Professional Practices Committee of the Central Coast Chapter of the California Land Surveyors Association has been directed to the following items.

- \_\_\_\_\_ Monumentation with no record or filing (§8762.d Land Surveyors Act)
- \_\_\_\_\_ Setting untagged monumentation (§8772)
- \_\_\_\_\_ Monuments not set according to recorded map or filing (§8771)
- \_\_\_\_\_ Monument destruction without replacement or reconstruction, including documentation (§8771)
- \_\_\_\_\_ Surveying related activities by an unlicensed individual (§8725)
- \_\_\_\_\_ Other \_\_\_\_\_

in relation to the following : \_\_\_\_\_  
 APN \_\_\_\_\_ PARCEL DESCRIPTION \_\_\_\_\_  
 \_\_\_\_\_  
 Document \_\_\_\_\_  
 Other \_\_\_\_\_

Our inquiries suggest a possible violation of the Land Surveyor's Act. The Committee believes that full compliance with the Act is in the best interest of the public and profession, and is available for assistance if desired.

Please respond in writing to this Committee at the letterhead address within 30 days from receipt of this letter so that the matter(s) can be resolved.

Your cooperation is greatly appreciated.

Respectfully,  
(Chairperson)  
Chairperson, Professional Practices Committee  
President, Central Coast Chapter

XC: Committee members  
file

APPENDIX B

Date  
Addressee  
Address

Dear Sir/Madam:

It has been over 30 days since the request for response to the items in letter dated \_\_\_\_\_, 199 (see attached), the following responses(s) having been made.

- \_\_\_\_\_ No response
- \_\_\_\_\_ Failure to perform stipulated actions in a timely manner
- \_\_\_\_\_ Other \_\_\_\_\_

Please respond in writing to this Committee at the letterhead address within 15 days from receipt of this letter so that the matter(s) can be resolved.

If no further response is received, the Professional Practices Committee shall send a Consumer Complaint to the State Board of Registration for Professional Engineers and Land Surveyors within 30 days (but no less than 15 days) of receipt of this letter. A copy of the Complaint will be forwarded to you.

The Committee's objective is to achieve compliance with the Land Surveyor's Act, and is available for assistance if desired.

We hope that you can direct your immediate attention to the matter(s).

Your cooperation is greatly appreciated.

Respectfully,  
(Chairperson)

Chairperson, Professional Practices Committee  
President, Central Coast Chapter

XC: Committee members  
County Surveyor  
file

APPENDIX C

(BORPELS Consumer Complaint)

KEN WILSON LS 5571

6715 MORRO ROAD ATASCADERO, CA 805-466-2445 805-466-0812 FAX

**BLAKE Land Surveys**  
 250 Industrial Way, Unit C, P.O. Box 868, Buellton, CA 93427 Tel: 805-699-2054 Est. 1985 L.S. 4786

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**John W. Belsher, Esq.**

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625-A EAST CHAPEL SANTA MARIA, CA 93454 TELEPHONE 805-349-7929 FAX 805-349-7930

**CLSA Central Coast Chapter Officers**

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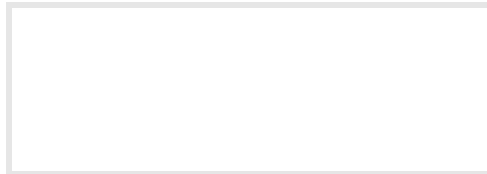
RANDY WOOD JACK  
Chapter Rep.....434-1834

TOM MASTIN  
Alt. Chapter Rep.....544-4011

Questions, articles, advertisements or items of interest should be sent to:  
Parallax  
c/ o Bruce Dilger, Vaughan Surveys  
1101 Riverside Ave, Paso Robles, CA 93446 Tel. (805) 238-5725x11



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