State of California Department of Consumer Affairs

BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
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CLARIFICATION REGARDING THE USE OF GLOBAL POSITIONING SYSTEM EQUIPMENT BY UNLICENSED INDIVIDUALS

This information is intended to clarify the intent of the April 19, 2006, letter to Douglas R. Melchior. Unfortunately, it appears that the Board's letter is being widely distributed and possibly misinterpreted and used for purposes the Board did not intend.

The intent of the letter was to advise that **IF** an unlicensed individual, such as a grading contractor, performs topographic surveying and calculations for construction staking without being under the responsible charge of a Professional Land Surveyor or a Professional Civil Engineer, then that unlicensed individual would be practicing land surveying or civil engineering without legal authority. However, a determination whether someone is practicing land surveying or civil engineering without legal authority can only be made by the Board on a case by case basis after a full investigation and review of all of the specific facts involved in the specific case.

In addition, the use of GPS equipment by an unlicensed individual does not constitute the practice of land surveying or civil engineering on its face. It is the specific tasks that are being performed that may constitute the practice of land surveying or civil engineering; not the equipment used to perform those tasks. Again, the Board can only make a determination whether someone is performing land surveying or civil engineering based on specific facts on a case by case basis.

If a Professional Land Surveyor or Professional Civil Engineer knowingly assists an unlicensed individual in performing illegal activities, then the licensee could be subject to disciplinary action for aiding and abetting. Simply providing data, including in electronic format, to an unlicensed individual, such as a grading contractor, is not in itself a violation of the laws – unless the licensee is aware that the unlicensed individual will be using that data to perform tasks that constitute the practice of land surveying or civil engineering. As indicated, a determination whether or not a violation of the laws has occurred can only be made by the Board on a case by case basis based on the specific facts in that case.

If anyone believes unlicensed individuals are performing tasks which constitute the practice of civil engineering or land surveying, please contact the Board's Enforcement Unit for further information regarding filing a complaint. The Enforcement Unit may be contacted at (916) 263-2241 or BPELS_Enforcement_Information@dca.ca.gov.

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Executive Officer