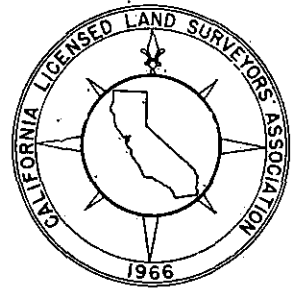


The California Surveyor



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A MESSAGE FROM YOUR ASSOCIATION PRESIDENT

One of the most significant features of the free enterprise system in which we live and work is the role played by professional associations.

The growth and importance of these professional associations have evolved primarily because they are able to accomplish state-wide and nation-wide objectives not otherwise possible. They provide the strength of numbers and the spreading and sharing of costs to solve the problems of the profession.

Professional associations become a vital necessity when a profession finds itself faced with major problems which are beyond the capabilities and financial capacity of the individual. But, to be truly represented by a successful association you must sincerely want to be a part of the dynamic and progressive entity that can accrue and be vitally interested in the future of your profession.

Your yesterdays may have been pleasant but do not bask in the lethargy of the past glories. Reach gladly and militantly toward the future which is offered in company with your fellow practitioners. You may have your own personal reasons for not participating, but never forget that we are all part of this big wide world, whether we like it or not, and what happens in it, affects us all.

As a practical matter we are at this moment in the mainstream of national life through which we must mutually assist each other or individually flounder. Admittedly, there are times when an association's value to its members is difficult to express in terms of dollars and in many areas the contribution is real, but somewhat intangible. At other times, it is very tangible but might not be thought of as such by someone using a narrow perspective for measuring the benefits of the association's impact upon your professional future.

It is after all, progress that has always paced man's hopes and fortunately, every now and then, something causes progress to noticeably freshen and the pace quickens. This we believe could become a reality if the membership of this Association consisted of every professional land surveyor who can benefit from it - every professional land surveyor who is determined to get ahead and every professional land surveyor who is unafraid of the responsibility his profession implies.

NEWSLETTER PUBLISHED

After some minor tribulations we have finally succeeded in publishing the first copy of our Association newsletter. It is the intention of the Publications Committee to produce this newsletter at least four times a year, in April, July, October and January.

The newsletter is intended to notify our members of the activities of the Association, its Officers, Committees and local sections but beyond that we hope that it will also become a voice of the members themselves. In this regard we earnestly solicit your comments, complaints and letters.

The people who are publishing this newsletter are not journalists but fellow Land Surveyors and we will try our best to be a voice for your Association.

The name "California Surveyor" is only one suggestion of a name for this publication and as our first request to the members as a body we would like to issue a call to one and all for suggestions for a suitable name for this newsletter. Send your suggestions to Jim Dowden, Chairman of the Publications Committee or directly to the Editor. We would like to have your suggestions before September 15th so that by our third issue we will no longer be an orphan.

SACRAMENTO NEWS

Eugene Foster, Chairman of the Legislative Committee has sent the following item of interest.

"Senate Bill Number 1257, 'Chartered Engineers', was introduced in the Senate on April 11th by Dolwig and Shepard. The bill was referred to the Business and Professions Committee of which Senator Alan Short is chairman.

Your chairman has established contact with the offices of both the authors of the bill and the Business and Professions Committee. Amendments are being drafted

WHICH ACT SHOULD REGULATE
LAND SURVEYING COMPANIES?

E.L. Foster

The purpose of this paper is to focus attention on the conflict between the Civil and Professional Engineers Act (CAPEA) and the Land Surveyors Act (LSA) wherein both Acts regulate companies which can engage in the practice of Land Surveying.

The CAPEA authority develops from Section 6738 of that Act, which spells out the requirements of the officers of a civil engineering company and from Section 6731 which includes Land Surveying under the practice of Civil Engineering.

The LSA authority over surveying companies develops from Section 8729 of that Act and differs from the CAPEA by requiring all members of a surveying company to be individually licensed or registered. The CAPEA specifies only that a registered civil engineer be in responsible charge of work and makes no other professional requirements of the other members.

This more lenient provision of the CAPEA has made it possible for unlicensed people to organize and have interest in companies whose business in Land Surveying as well as Civil Engineering. The fact that a civil engineer is an officer of the company and is a legal figurehead is not pertinent. The point is that a company so organized and practicing land surveying is in direct conflict with the Land Surveyors Act, both in word and in intent.

I believe that it is reasonable to say that the CAPEA was enacted to regulate the entire

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field of engineering, including the broad field of Civil Engineering. It may very well be that the organizational provisions of this Act as it is now written are entirely adequate and proper to regulate this field.

I believe it is also reasonable to say that the LSA was enacted to provide special regulation for control of that branch of professional engineering which is known as Land Surveying. The LSA specifically includes the Civil Engineer by name as well as the Licensed Land Surveyor in its sections. Nowhere does the LSA, or for that matter the CAPEA, exempt the Civil Engineer from the provisions of the LSA or grant him special consideration except, of course, for the licensing provision.

If both the Licensed Surveyor and the Civil Engineer are regulated equally by the LSA, it is reasonable to conclude that the LSA has preempted the regulation of the entire field of surveying practice. This includes the CAPEA land surveying provision as well as the organization of companies engaged in any degree of Land Surveying.

Unfortunately this interpretation has not always been applied to the problem. Surveying companies can and are being formed of one Civil Engineer and several unlicensed people as officers under the CAPEA provision. This is entirely permissible if they list their main line of business as "Civil Engineering".

One instance is brought to mind where a company was organized under the CAPEA to do "Civil Engineering". In actuality its main source of business appeared to be Land Surveying. What was most surprising of all was the company name, that was shown on the application to the State Board, inferred the business activity to be Land Surveying. It was common knowledge that one of the unlicensed principals of this same company was in effect procuring surveying work for his company and otherwise practicing surveying functions normally requiring licensing to show competency in this field.

It was also common knowledge that the registered Civil Engineer had no surveying experience. This company could not have been organized under the LSA and it was the CAPEA provision that provided the loophole.

Because of this loophole we now have a situation where an unlicensed individual can practice
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