

# The California Surveyor

No. 57

The Voice of the Land Surveyors of California

Fall 1979



CALIFORNIA LAND  
SURVEYORS ASSOCIATION  
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## The California Surveyor

is the quarterly publication of The California Land Surveyors Association and is published as a service to the Land Surveying profession of California. It is mailed to all Licensed Land Surveyors and Land Surveyors in Training in the state of California as well as to all members of California Land Surveyors Association. *The California Surveyor* is an open forum for all surveyors, with an editorial policy predicated on the preamble to the constitution of the California Land Surveyors Association and its stated aims and objectives, which read:

"Recognizing that the true merit of a profession is determined by the value of its services to society, the 'California Land Surveyors Association' does hereby dedicate itself to the promotion and protection of the profession of Land Surveying as a social and economic influence vital to the welfare of society, community, and state."

"The purpose of this organization is to promote the common good and welfare of its members in their activities in the profession of Land Surveying, to promote and maintain the highest possible standards of professional ethics and practices, to promote professional uniformity, to promote public faith and dependence in the Land Surveyors and their work."

PERSONNEL

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Sustaining Membership

Membership in the California Land Surveyors Association as a sustaining member is open to any individual, company or corporation who, by their interest in the Land Surveying profession, is desirous of supporting the purposes and objectives of this association. For information regarding sustaining membership, contact the Editor of *The California Surveyor*.

Editorial Material

All articles, reports, letters and contributions are accepted and will be considered for publication regardless of the author's affiliation with the California Land Surveyors Association. Material should be sent to *The California Surveyor*.

EDITOR: R. E. Baldwin  
1206 Neilson Street  
Berkeley, CA 94706

DEADLINE DATES FOR  
THE CALIFORNIA SURVEYOR  
WINTER . . . NOVEMBER 17, 1979  
CONVENTION. JANUARY 21, 1980

Articles, Reports, Letters, etc., received after the above mentioned date will be placed in the next edition.  
Editor

CALIFORNIA BOARD  
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FOR PROFESSIONAL ENGINEERS  
Written Examination Schedule  
1979

Land Surveyor-in-Training—LSIT

\*Final Filing Dates:

November 3, 1979 (Saturday)

\*\*Land Surveyor—LS

November 3, 1979 (Saturday)

\*Applications filed after the final filing date specified will be considered for the following examination.

\*\*Until further notice, these exams will be given only **once** a year.

NOTE: This schedule is subject to change at any time without prior notice. ▲

Cover: *Surveyor Vincent J. D'Alo in Boundary Survey.*



# SURVEY 31

## The computer that speaks your language.

**As an example:** Here's how easy it is to compute a street intersection. (Centerline points 1, 2, 108 & 261 have already been computed and stored in memory)

STRAIGHT STRAIGHT	STRAIGHT CURVE	CURVE CURVE
----------------------	-------------------	----------------

STREET INTERSECTIONS

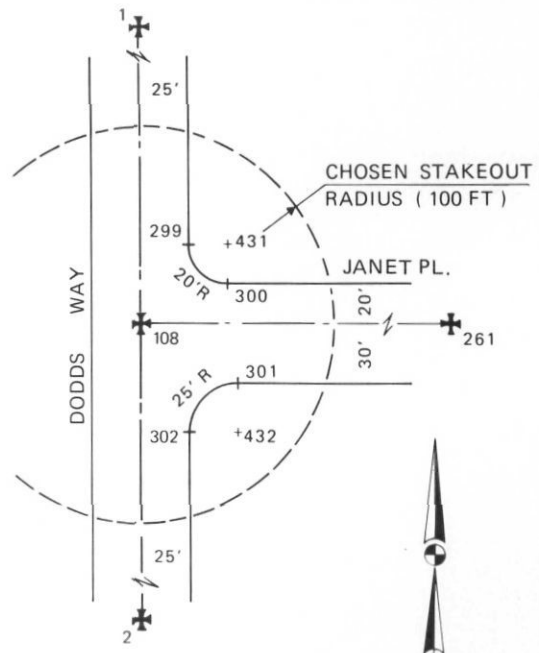
1. SELECT program.
2. ENTER requested data:

(P.I.) POINT# 108.	BACK OFFSET? 30.
(1ST C/L) TO POINT? 1. OFFSET? 25.	(NEXT C/L) TO POINT? 2. OFFSET? 25.
(NEXT C/L) TO POINT? 261. OFFSET? 20.	CORNER RADIUS? 25.
CORNER RADIUS? 20.	RADIUS= 25.0000
RADIUS= 20.0000	DELTA= 90.00000
DELTA= 90.00000	LENGTH= 39.2699
LENGTH= 31.4159	TANGENT= 25.0000
TANGENT= 20.0000	CHORD= 28.2843
CHORD= 28.2843	(BC/PC) POINT#? 299. 9332.9924 10027.4417
(BC/PC) POINT#? 108.	(RADIUS) POINT#? 302. 9237.9931 10027.7894
(RADIUS) POINT#? 300. 9313.0656 10047.5148	(EC/PT) POINT#? 300. 9313.0656 10047.5148
(EC/PT) POINT#? 300. 9313.0656 10047.5148	BACK OFFSET? 30.

then, for staking out all points within a 100' radius of #108:

STAKEOUT DATA  
Successive Points  
Fixed Point

FROM POINT? 108.
BACKSIGHT POINT? 1.
RADIUS? 100.



... with the stakeout data printed on an optional page printer:

INSTRUMENT PT#	108.	9292.9012	10002.5882										
BACKSIGHT PT#	1.	10000.0000	10000.0000										
STAKEOUT RADIUS#	100.00												
TO PT:	BEARING	N AZIMUTH	TURNED<	2XTURNED<	DEFLECTED<	2XDEFLECTED<	DISTANCE	NORTHING	EASTING				
299.	NE 31.47444	31.47444	32.00194	64.00388	-	147.59406	-	295.59212	47.17	9332.9924	10027.4417		
300.	NE 65.49410	65.49410	66.02160	132.04320	-	113.57440	-	227.55280	49.24	9313.0656	10047.5148		
301.	SE 59.14445	120.45155	120.57505	241.55409	-	59.02095	-	118.04191	58.31	9263.0842	10052.6976		
302.	SE 24.39132	155.20468	155.33218	311.06435	-	24.26382	-	48.53165	60.42	9237.9931	10027.7894		
431.	NE 48.09243	48.09243	48.21593	96.43585	-	131.38007	-	263.16015	60.21	9333.0656	10047.4415		
432.	SE 42.28593	137.31007	137.43357	275.27113	-	42.16243	-	84.32487	74.33	9238.0843	10052.7890		

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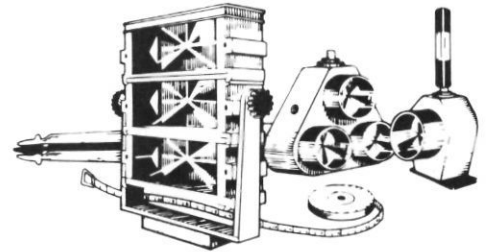
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†Cubic DM-60 Cubitape Distance Meter (6,000 ft)	25 00	15 00	10 00
†Hewlett-Packard 3805 Distance Meter (5,280 ft)	30 00	18 00	12 00
†Hewlett-Packard 3808 Distance Meter (32,800 ft)	50 00	30 00	20 00
†Hewlett-Packard 3810 Total Station (5,280 ft)	70 00	42 00	28 00
†Hewlett-Packard 3820 Total Station (16,400 ft)	150 00	90 00	60 00
*†K & E Autoranger with Azimuth Base or mount for Theodolite	30 00	18 00	12 00
K & E Ranger III	40 00	24 00	16 00
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Spectra-Physics LT-3 Laser Transitlite with Fan Beam attachment	20.00	12.00	8.00
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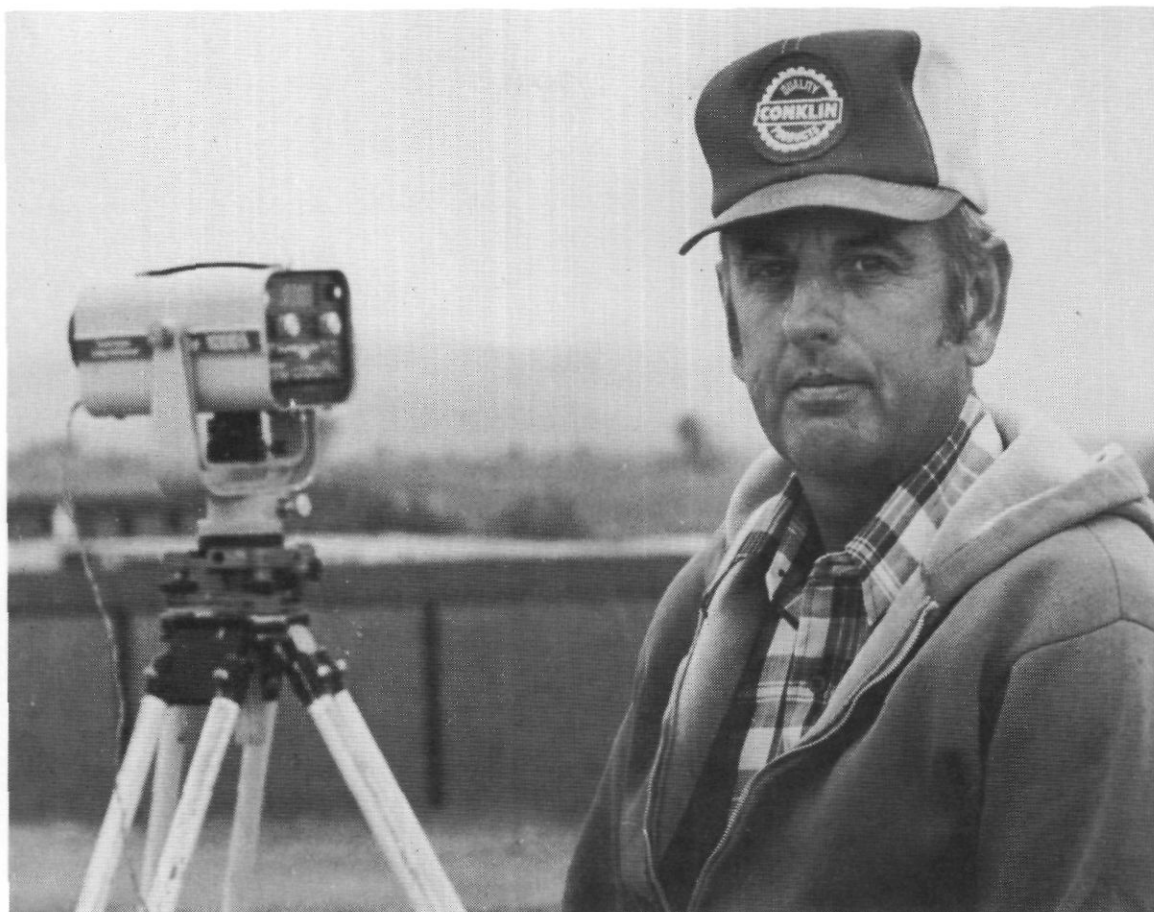


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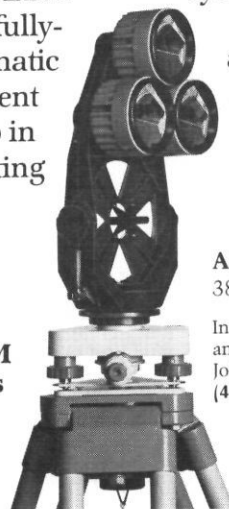
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# President's Message

The last hurdle for SB2, (Green-D, L.A.), was the Assembly Standing Committee on Revenue and taxation chaired by Assemblyman Boatwright, (D., Concord.).

On August 21, 1979, SB2 glided over the hurdle with the necessary votes and thereafter was put on the Assembly Consent Calendar. Unless there is opposition, the bill will be on Governor Brown's desk before mid-September. The bill as amended in the Senate appears elsewhere in the Surveyor.

The bill was amended for the 5th time in the Assembly Ways & Means Committee at the request of the Board of Registration to add language which assures that the Board has the necessary authority to collect the examination fee.

The passage of SB 2 is only the first step in the right direction. The next step, in my opinion, should be to amend the Land Surveyors Act to allow the Board to issue a Land Surveyors License, without written examination, to any *qualified and experienced* civil engineer registered before 1982. This will answer the question . . . How is the consumer supposed to know whether a civil engineer who practices land surveying has the

qualifications to meet requirements of the Land Surveyors Act and the rules established by the Board?

If all persons who offer to practice land surveying possess a Land Surveyors License, the consumers' problem is simplified but not completely solved. At this point, our association becomes more important in our efforts to insure that only experienced and fully qualified professionals are finally issued a Land Surveyors License. It is the responsibility of the PROFESSION TO RECOMMEND ONLY THE THOROUGHLY EXPERIENCED AND QUALIFIED applicants. If YOU RECOMMEND anyone who fails to meet those standards, YOU share the responsibility for any shoddy practice by the unqualified individual who is issued a license. It is also the duty of the profession to bring to light any practice that is not in accord with the highest standards of the profession.

**NEW FLORIDA LAND SURVEYORS ACT**—Florida has just passed a Land Surveyors Act which provides for a separate Board of Registration for Land Surveyors. The Act also contains a very broad definition of land surveying. However, this is being attacked by the Engineers in Florida and the Florida Association up to now

has been successful in preventing a change.

**NATIONAL LEGISLATION** — ACSM's efforts to amend the Surface Mining Act and the Brooke's bill which relates to negotiated contracts with the Federal Government, has been stalled. As reported in "TPOB," Don Bender, a director of CLSA and chairman of the ACSM Legislative Committee, has been the moving force within ACSM in the matters which are of extreme importance to the profession.

Surface mining is not limited to the Southeastern U.S., but is rapidly increasing in the West and it is, therefore, very important to all surveyors, particularly in the West.

The Brooke's Bill is important to any surveyor who has the Federal Government as a client. OMB and GSA prefer that all work for the U.S. Government be done by the lowest bidder. This procedure may or may not be cost effective in the long run . . . or even in the short run.

It is important for all of us to keep informed and to keep the pressure on the legislative process in order to protect the public. ▲

## Editorial

by R.E. BALDWIN, L.S.

On July 16, Governor Brown, in signing the State Budget for the 1979-80 fiscal year, reduced the budget for the Board of Registration for Professional Engineers. His veto message contains the following:

"Item 97 — For support of Consumer Affairs — Board of Registration for Professional Engineers. I reduce this item from \$1,206,436 \$944,844 by reducing (a) Personal services from \$1,206,436 to \$944,844 by reducing (a) Personal services from \$750,026 to \$605,434 and (b) Operating expenses and equipment from \$456,410 to \$339,410.

"I am reducing this item by eliminating the funding for the Board to administer the title act programs because they do not protect the public. Unregistered individuals can perform the same function so long as they do not use the title.

"Item 97.1 — For the cost of conducting administrative hearings Consumer Affairs, Board of Registration for Professional Engineers. I eliminate this item.

"I am eliminating this item to correspond with the action taken in Item 97 eliminating the Title Act established by regulations."

This budget reduction will necessitate a 28 percent staff cut, eliminating 9 of 32 positions. The Board's enforcement efforts will be further curtailed, as will administration of the title act licensing programs. This may cause

legal problems as the Board may not be able to perform its required duties under existing statutes.

The Board's budget uses no tax dollars — it is funded entirely by the fees paid by Land Surveyors and Registered Engineers.

The American Society of Civil Engineers is mounting a campaign to urge the legislature to override the Governor's budget cut by having all interested parties immediately contract their senator and representative. While there are many areas of disagreement between Land Surveyors and Engineers, there are also issues such as this one where our mutual concern for the public's welfare should be voiced, and I would urge all interested Land Surveyors to contact their legislators in this regard. ▲



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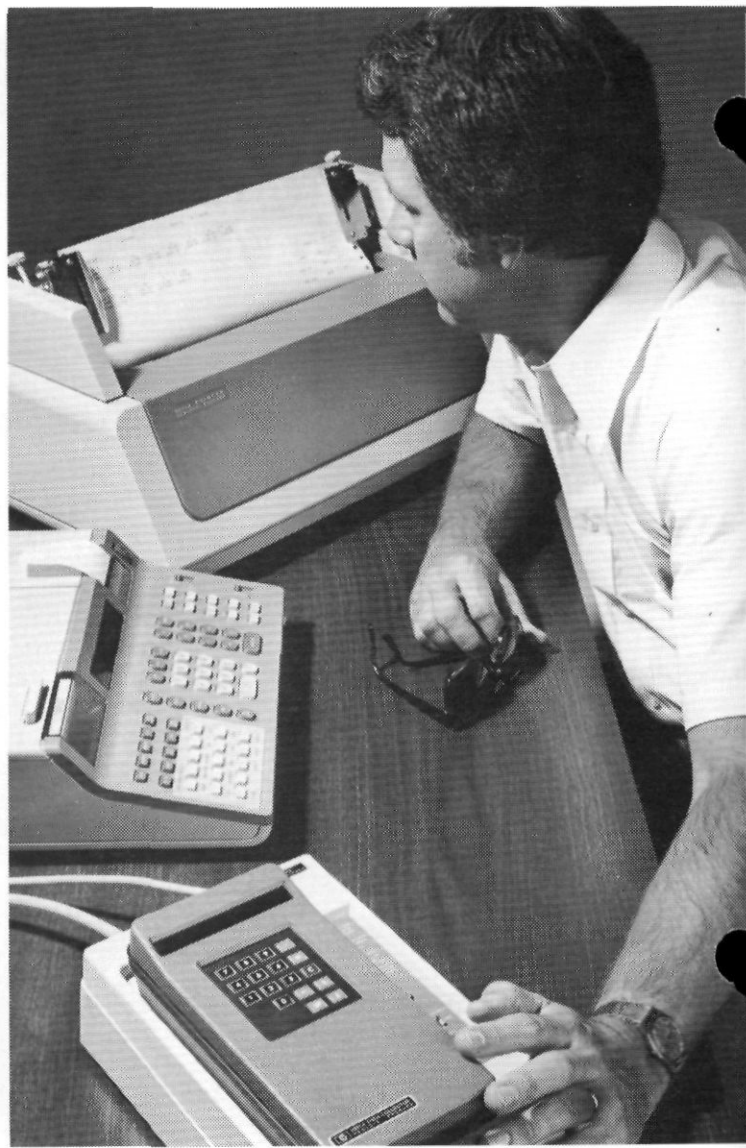
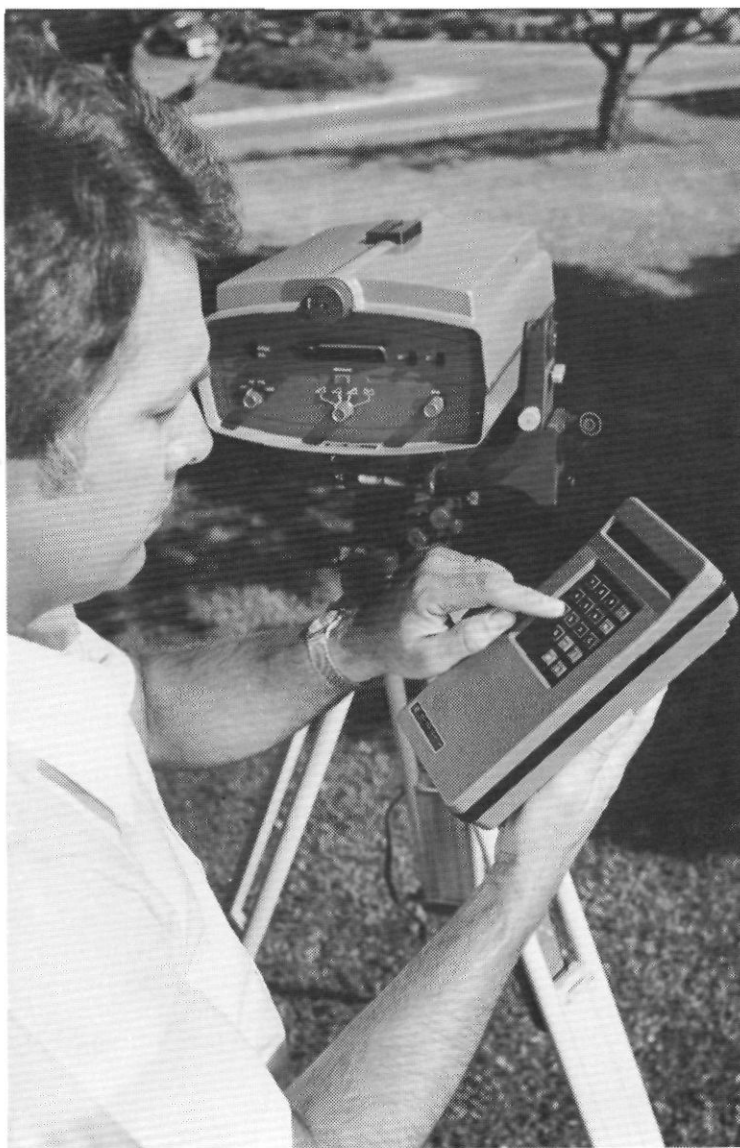
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# Report from the Capitol

Senate Bill No. 2 was passed into law 9/20/79, under Chapter 824, Statutes on 1979.

At the request of our readers we are printing the text of S.B.2 as it was carried to the Assembly Ways and Means Committee. That committee amended the text printed here to assure that the Board of Registration has the necessary authority to collect the examination fee.

## SENATE BILL NO. 2, AS AMENDED

An act to amend Sections 6731, 8731, 8740.1, and 8742 of, and to add Section 8740.2 to, the Business and Professions Code, relating to land surveyors, and making an appropriation therefor.

### Legislative Counsel's Digest

SB 2, as amended, B. Greene. Land surveyors.

Existing law exempts registered civil engineers exempt from registration from licensing requirements of the Land Surveyors' Act, and permits them to engage in the practice of land surveying with the same rights and privileges, and duties and responsibilities, as a licensed land surveyor.

This bill would require any civil engineer registered as such after January 1, 1982, to be licensed as a land surveyor before practicing land surveying, as defined.

Existing law specifies the qualifications and experience necessary for qualifying to take the second division examination in land surveying, including, among other things, graduation from an approved 4-year curriculum in land surveying or 6 years' actual experience in land surveying, as specified.

This bill would also authorize a registered civil engineer to be qualified for such second division examination.

Existing law provides that all money collected pursuant to the Land Surveyors' Act is to be deposited in the Professional Engineers' Fund and is available for carrying out purposes of this act.

The fees provided by this act will create an increase of money in the fund available for expenditure.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 6731 of the Business and Professions Code is amended to read:

6731. Civil engineering embraces the following studies or activities in connection with fixed works for irrigation, drainage, waterpower, water supply, flood control, inland waterways, harbors, municipal improvements, railroads, highways, tunnels, airports and airways, purification of water, sewerage, refuse disposal, foundations, framed and homogeneous structures, buildings, or bridges:

(a) The economics of, the use and design of, materials of construction and the determination of their physical qualities.

(b) The supervision of the construction of engineering structures.

(c) The investigation of the laws, phenomena and forces of nature.

(d) Appraisals or valuations.

(e) The preparation and/or submission of designs, plans and specifications and engineering reports.

Civil engineering also includes city and regional planning insofar as any of the above features are concerned therein.

*Civil engineering also includes land surveying as defined in Chapter 15 (commencing with Section 8700) of Division 3, provided that for civil engineers who become registered after January 1, 1982, they shall pass the examination provided for in Section 8740.2, before practicing land surveying as defined in Chapter 15 (commencing with Section 8700) of Division 3.*

SEC. 2. Section 8731 of the Business and Professions Code is amended to read:

8731. A registered civil engineer and a civil engineer exempt from registration under Chapter 7 of Division III of this code are exempt from licensing under this chapter and may engage in the practice of land surveying with the same rights and privileges, and the same duties and responsibilities of a licensed land surveyor, provided that for civil engineers who become registered after January 1, 1982, they shall pass the examination provided for in Section 8740.2, before practicing land surveying as defined in this chapter.

SEC. 3. Section 8740.1 of the Business and Professions Code is amended to read:

8740.1 The first division of the examination shall test the applicant's knowledge of fundamental surveying, mathematics, and basic science. The board may prescribe by regulation reasonable educational or experience requirements but not to exceed two years of postsecondary education in land surveying or two years of experience in land surveying for admission to the first division of the examination. Applicants who have passed the engineering-in-training examination, or who hold professional engineer registration, are exempt from this division of the examination.

SEC. 4. Section 8740.2 is added to the Business and Professions Code, to read:

8740.2. *The second division of the examination shall test the applicant's ability to apply his or her knowledge and experience and to assume responsible charge in professional practice of land surveying.*

SEC. 5. Section 8742 of the Business and Professions Code is amended to read:

8742. The educational qualifications and experience in land surveying, which an applicant for the second division examination shall possess, shall be not less than the following prescribed minima:

(a) Graduation from a four-year curriculum with an emphasis in land surveying approved by the board or accredited by a national or regional accrediting agency recognized by the United States Office of Education at a postsecondary educational institution and two years of actual experience in land surveying, including one year of responsible field training and one year of responsible office training; or

(b) Actual experience in land surveying for at least six years, including one year of responsible field training and one year of responsible office training -; or

(c) *Registration as a civil engineer.*

One year of postsecondary education in land surveying shall be counted the same as one year of experience in land surveying up to a maximum of four years provided: (1) the applicant has graduated from the course in land surveying, and (2) the curriculum in land surveying is approved by the board

(Continued on Page 30)

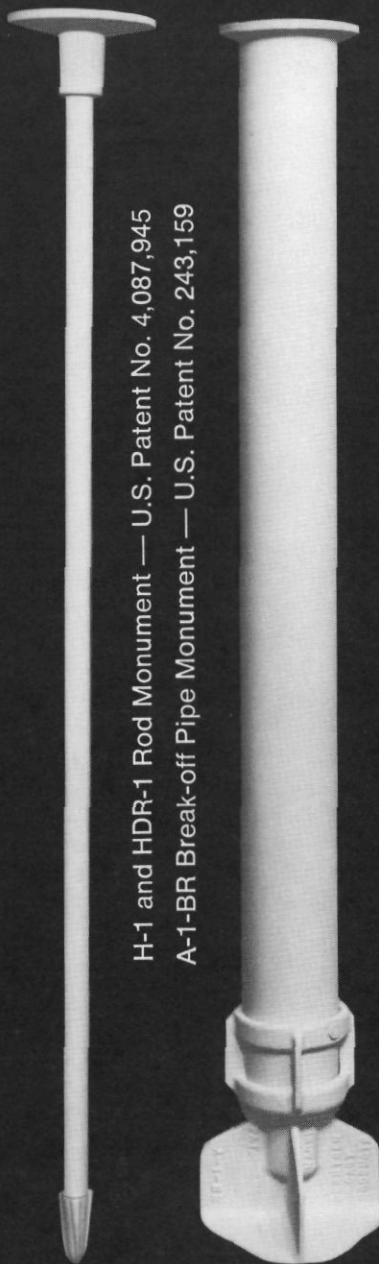
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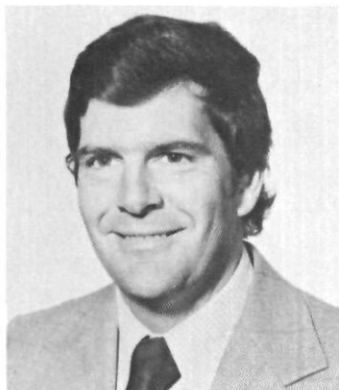
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# Education

## THE SUBDIVISION MAP ACT: A SURVEYOR'S NIGHTMARE

by

Robert E. Merritt, Jr.



*Robert E. Merritt, Jr. is a partner in the San Francisco law firm of Steinhart, Goldberg, Feigenbaum & Ladar. He practices extensively in real estate law with particular emphasis in real estate development.*

*Mr. Merritt received his Bachelor of Arts Degree with honors at Sacramento State College in 1963 and his J.D. Degree at the University of California, Boalt Hall, in 1966. Before beginning practice he briefly taught Business Law and Business Management as an Assistant Professor at California State College at Fullerton. He has written a book for the California Continuing Education of the Bar entitled Guide to Subdivision Sales Law and participated in programs for lawyers and professionals relating to land use, subdivisions, condominiums and other aspects of real estate development. He also has lectured extensively to developers and public officials on the subject of the California Subdivision Map Act.*

*The following is from a speech delivered by Mr. Merritt to the Beverly Hills Bar Association on May 18, 1978. The material has been updated by the author prior to publication.*

I am pleased to be with you today to discuss the California Subdivision Map Act. As the title of this talk states, the Map Act can turn that seemingly simple real estate transaction (which your client insists can be documented in the back of an envelope) into a nightmare requiring you to deal with problems your client has never heard of, the City Planning staff cannot understand and which you will never get paid to solve.

Once upon a time, and not so long ago, the Map Act was a rather innocuous piece of legislation contained in the Business and Professions Code. It was, and was viewed as, an engineering law written for the benefit of land surveyors and civil engineers—something like the Land Surveyor's Act. Few lawyers knew it existed and even fewer knew what it said. Unfortunately, those idyllic days are over. In the last twenty years, the Map Act has developed into a major land use planning law. Consistent with that evolution it is now found in the government code resting comfortably as part of the Planning and Zoning Law.

For those of you who may have had only a passing acquaintance with the Subdivision Map Act, let me outline how it is supposed to work.

The theory behind the Map Act is to provide for a rational and orderly means by which land can be divided, developed and improved. This is done by requiring, with few exceptions, that any division of land be shown on an approved map which is recorded in the public records. If the division and proposed development will create the need for access, drainage, utilities and other services, the division can be conditioned on such improvements being made. Mechanically, if the land division results in four or fewer parcels, then a parcel map is required. If division results in five or more parcels, a final subdivision map is required. (There are exceptions to this latter rule in the case of large lot subdivisions, commercial and industrial subdivisions or where the parcel being subdivided is less than 5 acres—in these cases only a parcel map is required.) Maps are also required for condominiums and community apartment projects. Generally speaking, the requirements for a final subdivision map are tougher than for a parcel map.

Procedurally, the developer must usually apply for a map to the city or county planning commission (my references to cities in this talk include counties). Most often he must accompany the application with what is known as a tentative map. The map will be reviewed by the planning staff who will check it against the local subdivision ordinance, suggest improvements to be made and refer it for action to the planning commission.

It is at this point that the more controversial provisions of the Map Act come into play. The planning commission may accept the map, accept it with conditions or reject the map. If not rejected, it is almost always accepted with conditions ranging from requiring the subdivider to construct streets, install sanitary and storm drainage facilities and grant public utility easements to requiring dedication of land for park and recreation, granting of public access to lakes, rivers and streams and participation in construction of major thoroughfares (to name a few). Assuming the tentative map is approved with conditions, the developer prepares a final map which is recorded if found to be consistent with the tentative map and the general plan of the city (a point which has led to considerable problems and which we shall discuss in further detail). Before the final map is recorded, the developer must post a bond or other security for any required improvements which have not been completed.

Failure to observe the requirements of the Map Act can have serious consequences. First, violation is a criminal offense. Several years ago, an escrow officer of a well known title company doing business in a northern county was carted away by the sheriff *in handcuffs* for a Map Act violation. Since that time, attendance at Map Act seminars by title company personnel has picked up considerably and you will note that preliminary title reports now call attention to potential Map Act violations.

In addition to criminal sanctions, violation can give rise to the City or County recording a notice of violation against the property (instant unmarketability) or more simply they may refuse to issue any development or building permits until a past violation is corrected. Moreover, Sellers have substantial liability for damages and purchasers have a right to rescind a transaction which violates the Act. Even persons in the chain of title who have knowledge of a past violation and fail to correct it can be held liable.

With this overview, let us now explore a few of the nightmares I alluded to earlier.

### DEFINITIONAL PROBLEMS

The key to determining the applicability of the Map Act is that section







Speaking of contiguity, to further complicate matters, the Act provides that roads, streets, utility easements and railroad rights-of-way do not break contiguity. In other words, if your client has two pieces of land on either side of a freeway, they may well be considered as one parcel for Map Act purposes so that he must obtain a parcel map before selling either piece.

As to what constitutes a division, certainly execution and delivery of a deed does, but what about deposit receipts and option agreements? Does the granting of an easement result in division if made in conjunction with a sale? These are interesting questions with no certain answers. Does a land installment contract affect a division where a deposit receipt may not? (The view of the courts that installment sale contracts are primarily security devices leads me to believe the answer is yes.)

A big problem has arisen over how to determine future intent to divide. If an owner obtains a parcel map for four parcels, but then participates in a pre-arranged scheme whereby he conveys to other purchasers who resubdivide (a practice known as quartering or four-by-fouring) he is probably in violation of the Act unless a final map is obtained. I say probably because a recent amendment to the Act (Govt. Code §66424.1) raises some questions as to whether this is true where the purchasers only divide one time before the completion of the next equalized assessment roll. If he simply makes the sale of the four parcels to separate purchasers without participation in planning or carrying out any future divisions, but with awareness that the purchasers are likely to further subdivide, it would appear he need only obtain a parcel map for his division.

The Attorney General has recently addressed the subject of quartering in the context of the Subdivided Lands Law which requires a subdivider to obtain a public report if he intends to offer five or more parcels for sale or lease. The opinion concludes that a *broker* must obtain a public report if he obtains a listing from the owner of property with the intent of his acting as agent of successive owners in negotiating sales which result in division of the property into five or more parcels. 59 Ops. Atty. Gen. 630. Although the opinion does not concern itself with the Map Act, it gives some insight into the Attorney General's thinking.

A rather complex area that has recently drawn considerable attention concerns merger. Merger refers to the situation where an owner acquires two or more parcels of land and wants to convey one or more of these parcels in the same form as acquired. Originally the Attorney General took the position that parcels merged and the owner had to obtain a map before making the conveyance. 56 Ops. Atty. Gen. 509; but see 59 Ops. Atty. Gen. 239. The legislature then got into the act by providing that mergers did not occur where property had once been legally subdivided, unless the lots were unimproved and below minimum size in which case they merged automatically. What followed was total confusion and last year the legislature again amended the law, effective July 1, 1977, to do away with automatic mergers for unimproved lots below minimum size and provide a procedure for unmerging lots previously merged. However, they may have gone too far in providing there would be no merger of parcels *created* under a law regulating the division of land or *not subject to such laws at the time of their creation*. It is amazing this language ever got past committee let alone past anyone who knows anything about the Map Act. It literally says that any parcel created in the past, no matter how created, must be recognized as a separate parcel. Surely the legislature did not intend that parcels *created* in the past by the county assessors, by records of survey or by title officers will be allowed to stand as legal parcels. Yet I know of one county that has interpreted this language to allow conveyance by an owner, without a map, of a portion of his land which was carved out as a parcel in a 1913 partition action.

#### CONDOMINIUM CONVERSIONS

An area of the Map Act which is relatively new and has given rise to some problems has to do with condominium conversions. The Act requires that before approval of a final map for conversion of a condominium (or a community apartment project) there must be a finding by the legislative body that each tenant has been or *will be* given two notices; a 120-day notice of intention to convert prior to termination of tenancy and a notice that the tenant shall have a period of 60 days from issuance of the final public report for the conversion within which to purchase the apartment. The terms of purchase must be no less

favorable than offered to the public and the tenant can waive his purchase right.

Some cities require the subdivider to present written receipts verifying that the notices have been given to each tenant. This can pose difficulties, especially if the conversion project is large, since some tenants are hard to find at home, may be on vacation, or may be subletting their units and cannot easily be contacted. There is also a question of whether sublessees are considered "tenants" for this purpose. The answer would seem to be no, unless the original tenant has actually assigned the lease or the sublessee has established a contractual relationship with the owner. Problems can arise where several persons sign a lease and some move out. Is the owner protected in dealing with the party in possession?

Cities often require the notices to be given before the hearing on the final map. However, the subdivider is prohibited by both the Subdivision Map Act and the Subdivided Lands Act from *offering* the units for sale at that time. This puts the subdivider in the untenable position of having to (1) notify the tenant of the conversion and his exclusive right to purchase; (2) answering tenant questions and providing information so that the tenant will understand how the conversion will affect him; and (3) not actually offering the property for sale.

(To be Continued in Winter Issue)

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# News from the Board of Registration

## BOARD PROPOSES DISCIPLINARY GUIDELINES

To facilitate uniformity of penalties and to ensure that its disciplinary policies are known, the Board of Registration for Professional Engineers establishes these disciplinary guidelines. While recognizing the concept that administrative law judges must be free to exercise their discretion in such cases, the Board desires that these guidelines be followed to the extent possible and that any departures therefrom be noted and explained in the proposed decision.

The Board desires that matters in extenuation and mitigation, as well as those in aggravation, be fully considered and noted in the proposed decision. Of primary importance is the effect the registrant's conduct had or can have on the public as consumers.

Disciplinary ranges for violations of the Professional Engineers Act are as follows:

1. *Section 6775(a): Conviction of a felony arising from or in connection with the practice of engineering:*

Maximum: Revocation AND public reproof.

Minimum: Revocation stayed for five years on the following conditions AND public reproof:

- a. Actual suspension for two years.
- b. The respondent shall obey all laws and regulations related to the practice of professional engineering or land surveying.
- c. The respondent shall submit such special reports as the Board may require and shall furnish the Board with a complete list of all clients and employers with whom the licensee has a current or continuing contractual or employment relationship, not later than 30 days after the decision becomes effective.

2. *Section 6775(b): Deceit or misrepresentation in the practice of engineering:*

Maximum: Revocation AND public reproof.

Minimum: 90 days suspension stayed for three years on the following conditions AND public reproof.

- a. 45 days actual suspension.
- b. The respondent shall obey all laws and regulations related to the practice of professional engineering or land surveying.
- c. The respondent shall submit such special reports as the Board may require and shall furnish the Board with a complete list of all clients and employers with whom the licensee has a current or continuing contractual or employment relationship, not later than 30 days after the decision becomes effective.

3. *Section 6775(b): Violation of contract.*

Maximum: Revocation.

Minimum: 60 days suspension stayed for one year on the following conditions:

- a. 15 days actual suspension.
- b. Respondent make restitution to any person damaged as a result of the respondent's breach of a contract to which that person is a party, such restitution to be made prior to the restoration of respondent's registration.
- c. The respondent shall obey all laws and regulations related to the practice of engineering or land surveying.
- d. The respondent shall submit such special reports as the Board may require.

4. *Section 6775(b): Fraud.*

Maximum: Revocation AND public reproof.

Minimum: Six months suspension stayed for three years on the following conditions AND public reproof:

- a. 90 days actual suspension.
- b. The respondent shall obey all laws and regulations related to the practice of engineering or land surveying.
- c. The respondent shall submit such special reports as the Board may require and shall furnish the Board with a complete list of all clients and employers with whom the licensee has a current or continuing contractual or employment relationship, not later than 30 days after the decision becomes effective.

5. *Section 6775(b): Negligence.*

Maximum: Revocation AND public reproof.

Minimum: 90 days suspension stayed for two years on the following conditions AND public reproof:

- a. 30 days actual suspension.
- b. The respondent shall obey all laws and regulations related to the practice of engineering or land surveying.
- c. The respondent shall submit such special reports as the Board may require.

6. *Section 6775(b): Incompetency.*

Maximum: Revocation AND public reproof.

Minimum: Revocation stayed for five years on the following conditions AND public reproof.

- a. Within 2 years of the effective date of the Board's decision, the respondent shall successfully complete a training course, approved in advance by the Board, specifically related to the area of incompetency, before being permitted to resume practice; and/or
- b. Within 2 years from the effective date of the Board's decision, take and pass the 8 hour Principles and Practice examination in the discipline in which the licensee practices before being permitted to resume practice.
- c. After being permitted to resume practice, the respondent may practice only under the supervision of a registered design professional approved by the Board.
- d. The respondent shall obey all laws and regulations related to the practice of engineering or land surveying.
- e. The respondent shall submit such special reports as the Board may require and shall furnish the Board with a complete list of all clients and employers with whom the licensee has a current or continuing contractual or employment relationship, not later than 30 days after the decision becomes effective.

(Continued on Page 30)



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


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# News Digest

**Editor's Note:** *This section of the California Surveyor is designed to provide access to information by printing short news items, reviewing articles from other publications, and reviewing new products. I feel this brings a long-needed service to our readers. Its success depends upon readers responding with information to be included herein.*

## ACQUIESCENCE

*"Boundaries."* Title News, Vol. 58, No. 6, American Land Title Association, 1828 L Street N.W., Washington, D.C. 20036. Reprinted by permission.

Stanley K. Florence and Barbara J. Florence, Plaintiffs and Respondants v. Hilene Equipment Co., James Saracino, Carol Saracino, Clinton C. Groll, Bonnie C. Groll, Paul L. Westbrook and Becky L. Westbrook, Defendants and Appellants Supreme Court of Utah, Opinion No. 15166, June 14, 1978.

Defendants Saracino and plaintiffs owned adjoining land. Defendants owned the easterly tract and plaintiffs, the westerly tract. The dispute involved a fence which ran along the east side of plaintiff's property. The fence was from 10 to 29 feet west of the true boundary, running diagonally thereto. Plaintiffs claimed the strip of land between the fence and the true boundary by legal description and Saracino claimed it under the doctrine of boundary by acquiescence. It was undisputed that the fence had existed for many years, but two surveys showed it to be west of the legal description boundary. There were no facts to indicate that these parties or any of their predecessors in interest had acquiesced in treating the fence as their mutual boundary.

At issue was the question of whether the doctrine of boundary by acquiescence arises only when the true boundary is either unknown, uncertain or in dispute — none of which was proved in this case. The parties must also have acquiesced in treating the fence as a mutual boundary. Thus, agreement to or acquiescence in the establishment of a fence, not as a line marking the boundary, but as a line for other purposes or acquiescence in the mere existence of the fence line as a mere barrier, does not preclude the parties from claiming up to the true boundary line. The court also noted, in conclusion, that there was an ab-

sence of any equitable argument that any of the parties relied upon the fence as being the true boundary.

## LAND RECORDS

*"Land Records Modernization: A Necessity."* Fritz Petersohn, Chairman, ACSM Improvement of Land Records Committee, 210 Little Falls St., Falls Church, VA 22046.

This pamphlet explains how a modern land records system can provide immediate and accurate land data. It describes some of the problems that the use of our 200-year old land records system has brought, and proposes modernizing the system along the lines used by many other industrialized nations. This is in essence the development of a "cadastre" consisting of a planned collection of maps identifying all separate parcels and features, cross-referenced by parcel identification numbers to registers containing all pertinent information on each parcel, with data handling facilitated by auxiliary registers. The adoption of such a "cadastre" would eliminate most of the problems of land data retrieval, but to accomplish this calls for a new attitude on the part of institutions and government — in short, a new "land ethic."

## DEMANDS FOR I.C. SYSTEM COLLECTION SERVICE HIT ALL-TIME HIGH IN JULY

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It also indicates the speed with which the company's Data Entry Division is prepared to enter growing volumes of new business. I.C.'s 51 data entry employees operate a network of IBM and Memorex CRT terminals which automatically activate a collection process that has recovered millions of dollars worth of past-due receivables for I.C. clients. Collections made on their behalf exceed \$21 million for

the first seven months of 1979 and are projected to reach \$37 million by year-end.

For more information contact I.C. System, Inc., 3499 North Lexington Avenue, P.O. Box 43567, St. Paul, Minnesota 55164, Phone (612) 483-8201.

## LIABILITY INSURANCE

*"Proposed Tax Relief for Professional Liability Insurance,"* P.O.B., Aug.-Sept., 1979, P.O. Box 810, Wayne, Michigan 48184.

The article discusses in detail legislation pending before Congress which would allow design professionals to put a percentage of their annual gross income into a trust fund, with a corresponding tax break, to be used to pay liability claims and other costs associated therewith. This would in effect provide the professional with a form of self-insurance which, if not enough to cover all liability risks, would at least allow him to lower his insurance premiums by increasing his deductible limit. Whether or not surveyors are included in this legislation as design professionals will depend upon their active input to Congress.

## OF MAPS AND MEN

*"All the World's a Map,"* by Alan K. Henrikson. The Wilson Quarterly, Spring 1979, Woodrow Wilson International Center for Scholars, Smithsonian Institution Bldg., Washington, D.C. 20560, \$4.00.

This article reviews the history of maps from ancient times to the present and relates them to man's view of himself. From the maps of ancient China and Greece to today's challenges of mapping the earth in relation to its celestial neighbors. Henrikson explores the map as the means by which men show their understanding of their relative importance to one another. Just as medieval maps were drawn in accordance with prevailing religious beliefs, and European problems in charting the New World reflected their changing world view, so today's maps reflect the views of the societies which create them. In Henrikson's words, "The cartography of the physical world is a cartography of the mind."

*(Continued on Page 28)*

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# Issues

**EDITOR'S NOTE:** "Issues" is the first of what will hopefully become a regular feature of *The California Surveyor*. It is designed to provide discussion of issues critical to the *Land Surveyor*. To continue it needs your input — articles and information on current issues which are of immediate concern to you.

## FIGHTING CITY HALL by Richard S. Hogan, L.S.

In the last week of January, 1979, an Order handed down by The Honorable Eugene F. Lynch of the San Francisco Superior Court created considerable satisfaction for Hogan, Schoch & Associates of Sebastopol, a small engineering and surveying firm.

The Order read that the Director of the State Department of Industrial Relations must void his Wage Order for surveyors of May 26, 1977, and held the Director must follow Government Code Section 11370 in future determinations. The court admonished the Director for not allowing the public the opportunity for expression and participation in the decision making process. It also retained jurisdiction to determine that future proceedings are conducted in accordance with the law.

At issue was the "Prevailing Wage Act for Workmen on Public Works" whose passage was strongly supported by labor unions on the issue of "unfair competition" where public monies were being spent. It defined public works as "construction work done under contract and paid for out of public funds." This would cover all governmental bodies, and is in effect a minimum wage law with wages set by the Director of Industrial Relations.

In middle January, 1977, the Operating Engineers Local Union No. 3 complained that Hogan, Schoch & Associates, who worked under a month-to-month contract as "City Engineer" for the Cities of Sebastopol and Cotati, were violating this law. It should be noted that the firm has resisted unionization for 10 years. An officer of the Division of Labor Standards enforcement delivered the Complaint. The firm's officers were astounded: they are not public contractors; they serve the Cities in the capacity of engineering staff, enforcing City requirements.

The enforcement officer was unsure of his ground, so Hogan, Schoch & Associates, contacted the Department of Industrial Relations in San Francisco requesting clarification in the application of the law to engineering firms working for a public agency, since public agency personnel are exempt from this law.

Legal Counsel for the Department heard the request and asked for a letter outlining the specifics of work performed by the engineering firm. On April 29, Paul Schoch was informed that the firm was not in violation of the law — it was not a Public Works Contractor — and that a letter supporting that position would be sent soon. But in early May the Department requested that a company representative come to San Francisco to further explain the specifics of its work. On May 26, the Department made its decision: the work of the surveyors and their assistants was to be paid at prevailing wage rates because surveying performed in preparation of construction is a necessary pre-requisite to construction, without which work could not proceed. A week later the wage rate was sent out: it was the exact union rate, nearly 25% higher than local prevailing wage rates. The reason given was that Sonoma County must be considered as an economic unit and part of the nine Bay Area Counties; since union forces predominate, union wages were the prevailing rates.

Hogan and Schoch decided this action was capricious and arbitrary, reasoning that if the argument for inclusion of surveyors was correct it would be possible to justify inclusion of engineers, draftsmen, photo-lab men, map-makers and even secretarial employees and attorneys as vital to Public Works Construction. They felt their firm was a special case of consulting engineering rather than direct construction. Mr. Michael Merrill, Attorney with Merrill and Thompson, was selected to represent the firm's point of view. On June 13, the firm requested a formal hearing. The first hearing, scheduled to be held in Sebastopol, was cancelled, and another to hear only the issue of prevailing wage determination was scheduled to be held in San Francisco on July 13. The hearing officer was the Department's Legal Counsel who had origi-

nally determined the issue — this was protested to Assemblyman Barry Keene, but to no avail.

Messrs. Hogan and Schoch, Attorney Merrill, the Sebastopol City Manager, and two private contractors testified for the private sector. Opposing them were nine union officials, two union attorneys, and representatives from three major San Francisco engineering firms who voiced the opinion that union-organized employees dominated not only the Bay Area, but the entire State. Even though the Department itself offered contrary evidence in the form of a telephone survey of County Public Works Departments, the hearing verdict was as expected — petitioner denied.

Hogan and Schoch then filed suit for a permanent injunction against the State. Local Union No. 3 intervened on behalf of the State, and the Consulting Engineers Association of California intervened on behalf of Hogan and Schoch. Sonoma County Superior Court Judge Rex Slater refused to hear the issues until all administrative channels had been exhausted. Attorney Merrill then petitioned the Superior Court with an alternative Writ of Mandate, and the firm waited for its day in court.

By March, 1978, the engineering firm of Winzler & Kelley of Eureka joined the fray with a Declaratory Relief suit filed in Humboldt County. They claimed that the Director of the Department was incorrect, that his determinations were a distortion of the law, that union allegations were untrue, and that wage rates should be based on local markets.

In late March, the Department of Labor petitioned the Superior Court for a coordination of cases pending against them. April, May, and June of 1978 brought the issue no closer to trial, but in an independent suit the engineering firm of McGlasson & Associates sought and received a Writ of Mandate and Order to Stay Effect of the wage determination in Kings County Superior Court.

By late June, the coordination effort appeared more likely, but summer disappeared and no trial was in sight. Meanwhile, two engineering concerns from San Joaquin County entered the

*(Continued on Page 23)*





# Book Nook

1. *Shore and Sea Boundaries* (1962) Reprint 1975—Aaron L. Shalowitz, U.S. Department of Commerce Publication No. 10-1  
*Vol. II—The Interpretation and Use of U.S. Coast and Geodetic Survey Data . . . . .* \$11.95 ea.
2. *Tide and Current Glossary*—U.S. Department of Commerce, N.O.A.A.—National Ocean Survey (1949) Revised 1975. Special Publication No. 228. . \$ 0.75 ea.
3. *Proceedings; Water and Water Related Boundaries Workshop II, May 20 & 21, 1977, Irvine, CA* (262 pages)  
CLSA Members. . . \$15.00 ea.  
Non-Members. . . \$20.00 ea.
4. *Coastal Zone Map #TP-00189—Florida, Palm Beach County, Lantana to Boynton Beach—1:10,000 (1970)*  
An extremely interesting map format which contains detailed printed instructions to Surveyors on How to Locate a Mean High Water Line According to Law, adopted by the Florida State Legislature. A real collector's item . . . . . \$ 2.50 ea.
5. *Restoration of Lost or Obliterated Corners & Subdivision of Sections*—a guide for surveyors—United State Department of the Interior, Bureau of Land Management—1974 Edition. . .75 ea.
6. *Metric Practice Guide for Surveying and Mapping*—American Congress on Surveying and Mapping. This Metric Practice Guide has been prepared to aid those engaged in surveying and mapping

in the use of the International System of Units (SI) in accordance with recommendations contained in the Metric Conversion Act of 1975, Public Law 94-168 . 1.50 ea.

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- a. *The Pornography of Water and Water Related Boundaries (Terms and Terminology)*—James N. Dowden, L.S., Boundary Determination Officer, State Lands Commission.
- b. *Tides, Time and Shoreline Processes*—Dr. Warren C. Thompson, Professor of Physical Oceanography, U.S. Naval Post Graduate School, Monterey.
- c. *California Law Looks at the Water Boundary*—Peter H. F. Graber, Esq., Deputy Attorney General, Land Law Section, Department of Justice.
- d. *The Ordinary High Water Mark—How Determined!*—Ned Washburn, Esq., Attorney at Law, Landes, Ripley & Diamond, San Francisco, CA
- e. *To Insure or Not to Insure—That is the Exception!*—James R. Dorsey, L.S., Executive Vice President, Winter,

Durnford, Dorsey and Associates, Land Consultants.

- f. *More Muddles in the Puddle—The Jurisdictional Aspects and Boundaries of the California Coastal Zone Commission and San Francisco Bay Conservation and Development Commission*—Raymond B. Thinggaard, L.S., Assistant Manager Real Property, Leslie Salt Co.
- g. *Internal Conflicts—State V. Federal Rules, Sovereign Lands and Rights*—Ed Griffin, L.S., Chief, Branch of Cadastral Surveys, California State Office of U.S. Bureau of Land Management.
- h. *The Restless Tides and the Marine Boundary Program of the National Ocean Survey*—Carrol I. Thurlow, Deputy Chief, Oceanographic Division, Office of Marine Surveys and Maps, N.O.S.
- i. *Slope and Undulations of Tidal Datum Planes and Quantification of Accuracy of Various Methods*—Cdr. A. Nicholas Bodnar, R.C.E. (California) Principal Engineer, Requirements and Facilities Section, Tides and Water Levels Branch, Oceanographic Division, Office of Marine Surveys and Maps, N.O.S.
- j. *Survey Procedures For Determination of Mean High Water*—Jack E. Guth, Capt. N.O.S. (Ret.), President of Coast Survey Limited, Herndon, VA.

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## ISSUES

(Continued from Page 19)

fray. It was agreed that Judge Eugene Lynch would be the coordination trial judge. By late November, Judge Lynch heard the Scope of Issues. Finally, on January 26, 1979 — two full years after the original complaint — Judge Lynch made his decision.

The Order was interpreted to mean that the State Department of Industrial Relations had not complied with the law as set forth in the California Administrative Act. The Director must, prior to proclaiming an edict or interpretation not specifically set out in the legislative act, hold a proper hearing on all issues and give notice to all interested parties for their expression and participation. The court voided the original May 26, 1977 order to Hogan, Schoch & Associates, and others, and warned it would retain jurisdiction. Further, the State must, with any prevailing wage determination, stay within the language of the law and use a concise determination of wage rates within the locality and in the nearest labor market area.

The guys with the white hats won, at least temporarily. At Sebastopol, the Hogan and Schoch firm, realizing they had paid over \$7000 in attorney fees, allowed themselves a small congratulation. Is this the end of the matter? Not by a damn site. It is reasoned that power begets power. The union forces having controlled construction, both public and private, in the urban part of the State will apply pressure again. The bureaucracy will, even though possibly smarting from their legal defeat, start out again, doing their homework better. After all, they hire legal help by the month, and they have a "mandate" from the people.

Those independents who care, will at the minimum be alerted, and may speak their views through professional organizations. Hogan, Schoch & Associates has applied for membership in the Consulting Engineers Association of California, the organization which intervened in the suit and which is most likely to continue in defense of the independent consulting firm.

George Orwell's fantasy 1984 may indeed be a prophesy — and 1984 is only five years away. ▲

## UPDATE

Public hearings were held on March 26, 1979, in San Francisco; on March 30, in Sacramento; and on April 3, in

Los Angeles pursuant to the Court Order of the Honorable Eugene Lynch to determine whether surveyor classifications are covered under California public works law. Arguments presented at the hearings can be summarized as follows:

### Opposed

1. Land Surveyors and Registered Civil Engineers are professionals, licensed and regulated under the Business & Professions Code. The skills they perform are not those performed by laborers or workmen.
2. Surveyors' liability for projects differs from contractors' liability. They are liable for defects and problems arising long after the contractor's liability has terminated.
3. Surveying has never been covered under the California public works law and has never been included within the definition of the terms workman, workers, laborer, mechanic, laborer, and construction contemplated by the Davis-Bacon Act.
4. Job functions of the Land Surveyor and Civil Engineer can be categorized into the four phases: Initial Phase or Feasibility Study; Design Stage; Pre-Construction or Control Stage; and Construction Phase. Coverage, if at all, must be applied only to the actual Construction Phase. Such classification should then be called "Grade Setter" rather than Surveyor.
5. Including Surveying in public works is contrary to the spirit of Proposition 13 as coverage would cost the public more money.

### In Favor

1. Surveyors perform job functions covered by California public works law *regardless of professional standing*. Field survey crew classifications require no more than a high school education and cannot be considered professionals by any definition.
2. Surveyors' liability is irrelevant to coverage of workers under the California public works law.
3. Surveyor classifications should be covered under the public works law. California case law has held that Surveyors were both laborers and mechanics under the provisions of the mechanic's lien law.
4. Surveyor classifications should cover *all phases* of surveying as the public works law includes not only construction, but *those phases neces-*

*sary to construction.*

5. Public expenditures should not increase as the current public works amount paid to firms advocating non-coverage and to firms advocating coverage is similar.

The following points, enumerated in the Department's Memorandum of May 24, 1979, are of particular interest to Surveyors:

1. If a worker performs a job function required to be compensated at prevailing wages, then that person must be paid *regardless* of whether he or she was a professional or an owner.
2. Distinctions regarding professional liability have little or no relevance. The contract process is not distinguished under the provisions of the Labor Code and such distinctions have no relationship to the coverage at question.
3. The federal Davis-Bacon Act specifies that coverage is for workers employed directly upon the site, whereas the California law has no such restriction.
4. The awarding body's decision or intent to pursue by investigation and/or planning for public works commences the obligation to pay prevailing wages for work contracted out. Such obligation is *not* limited to after ground has been broken on the site.
5. The only logical application of the California prevailing wage law is that application of the program which requires correct payment of prevailing wages in each and every instance when the covered job functions are performed, whether the desired project is actually realized or not.

The following is excerpted from the Department's letter to public agency awarding bodies dated May 30, 1979:

"It is the decision of the Director of Industrial Relations that these job functions require coverage under the California public works law and that persons performing these job functions and at whatever phase planning, implementation, or completion of the public works, shall pay the general prevailing rate of per diem wages as they are determined by the Department of Industrial Relations." "Classifications covered are: certified chief of party; chief of party; rodman/chainman; and instrumentman. Prevailing wage determinations for those classifications will

(Continued on Page 27)



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September 12	BOARD OF REGISTRATION meeting, Royal Inn of San Francisco Airport, South San Francisco, CA
September 14 & 15	CALIFORNIA ENGINEERS CONFERENCE on Registration, Marriott Hotel, adjacent to the Los Angeles International Airport
October 4-7	A.C.S.M. California Conference, Monterey, CA, Doubletree Inn, Monterey
October 20	C.L.S.A. Board of Directors meeting
November 3	L.S. and L.S.I.T. Examinations
November 3	C.L.S.A. Legal Seminar—Location to be announced
November 14	BOARD OF REGISTRATION Meeting, Board Office, Sacramento, CA 95814
November 17	C.L.S.A. Legal Seminar—Location to be announced
December 12	BOARD OF REGISTRATION Meeting, Airport Park Hotel, Inglewood, CA

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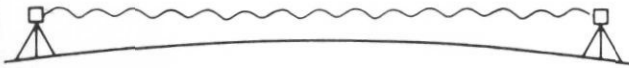
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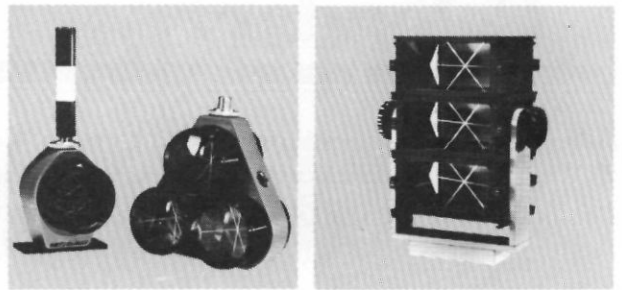
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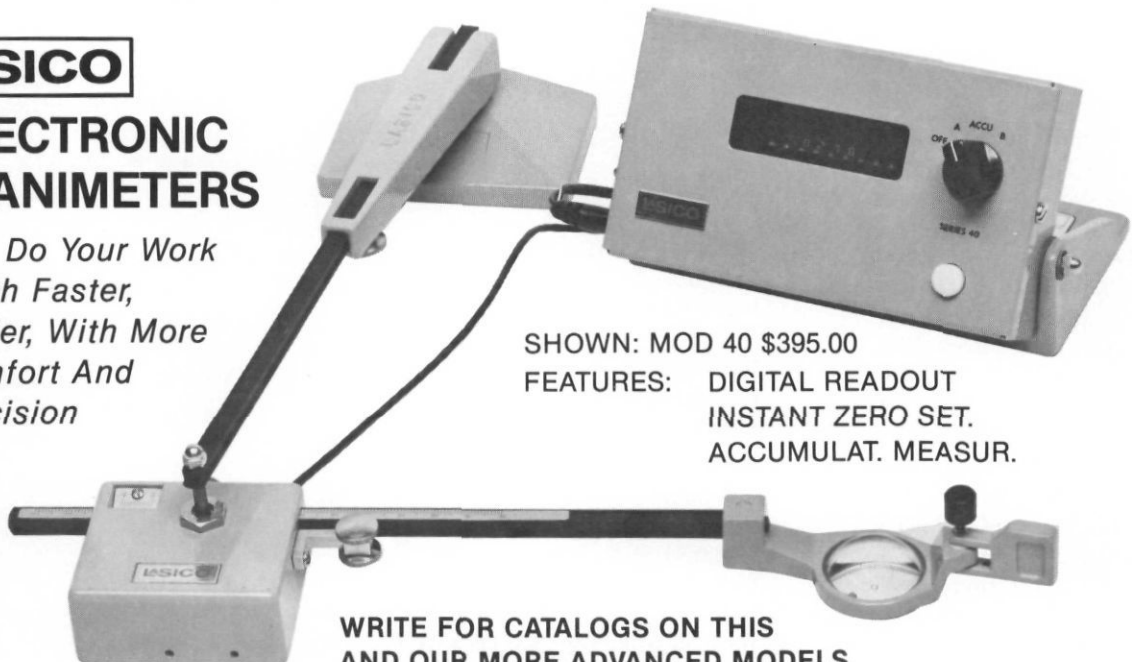
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**ISSUES**

(Continued from Page 23)

be mailed in July and will become effective August 1, 1979."

Late Note- Richard Hogan has informed The California Surveyor that this latest decision by the Department was taken to court on August 30, 1979. By publication date, no final decision had been received. ▲

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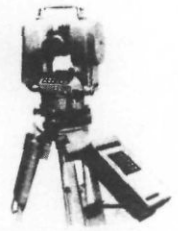
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(Continued from Page 17)

**DAVIS-BACON FRAUD**

"Fraud Uncovered," *Engineering News Record*, August 2, 1979, McGraw-Hill Building, 1221 Avenue of the Americas, New York, N.Y. 10020. \$1.50.

The Minnesota Legislative Audit Commission released a study alleging that \$4 million was spent on inflated wages in 20 counties, or 11.5 percent more than was merited. It also faulted the U.S. Labor Department for accepting union officials' statements on prevailing wages instead of accepting wages found by field investigators. The prevailing wage division chief admitted that for several years rate-setting was often based on information obtained from contractors and union officials.

**AFFIRMATIVE ACTION**

"Supreme Court Upholds Affirmative Action," *Engineering News Record*, July 5, 1979.


The U.S. Supreme Court in a 5-2 decision ruled that private companies are free to give special help to blacks in getting jobs and promotions. Although it does not define the line separating permissible and impermissible affirmative action plans, this decision does give business the answer it has been waiting for on the issue of providing special help to minorities. Equal Opportunity Chairwoman Eleanor Holmes Norton said she was not surprised the Court's decision was so sweeping, and stated, "Voluntary affirmative action is a far safer course than waiting to be sued." ▲

**BAKERSFIELD CHAPTER RESUMES MEETINGS**

The Bakersfield Chapter will resume its regular meetings on the fourth Wednesday of each month beginning September 26th. For details and membership information write or call John Hoffman, 107 B Street, Taft, California 93268, at (805) 765-2065 (evenings). ▲

**6th Annual Northern California Land Surveyors Conference**

To be held at the Holiday Inn, Chico, CA, Saturday, November 3, 1979. Pre-registration required prior to October 26, 1979. For further information contact: Gary Antone, Rt. 3, Box 3718, Red Bluff, CA 96060.


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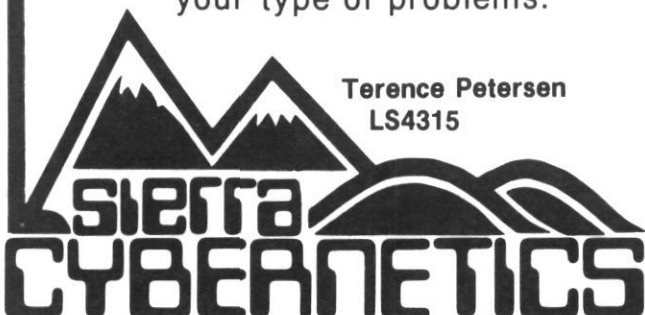
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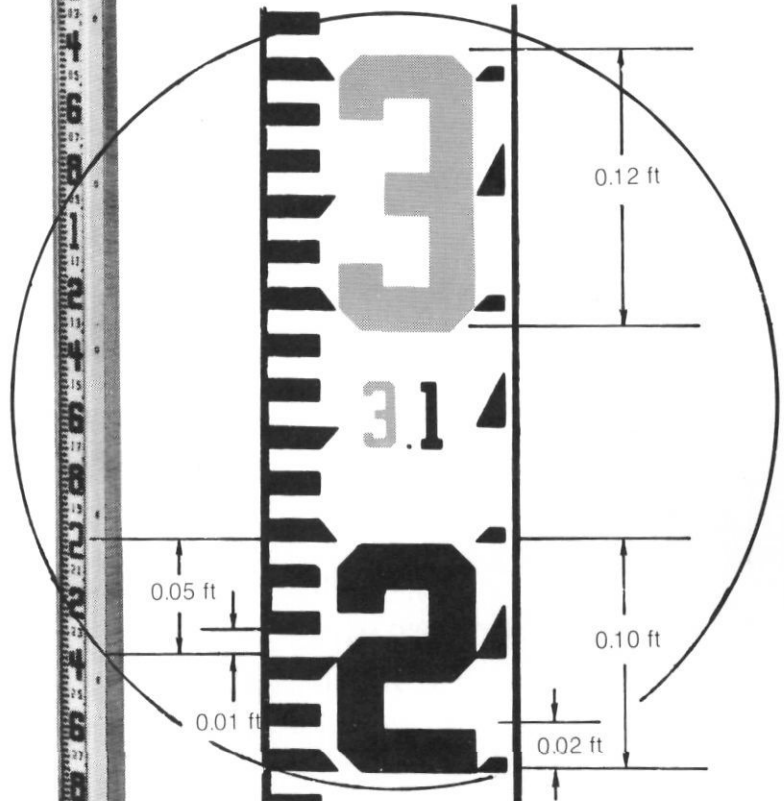
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**BOARD NEWS**

*(Continued from Page 15)*

7. *Section 6775(d): Fraud, deceit or misrepresentation in obtaining the certificate.*

Recommended action: Revocation.

8. *Section 6775(d): Aiding or abetting any person in the violation of any provision of this chapter.*

Maximum: Revocation.

Minimum: 60 days suspension stayed for one year on the following conditions:

- a. 15 days actual suspension.
- b. The respondent shall obey all laws and regulations related to the practice of engineering or land surveying.

c. The respondent shall submit such special reports as the Board may require.

9. *Section 6775(e): Violation of any other provision.*

Maximum: Revocation.

Minimum: 60 days suspension stay-

ed for one year on the following conditions:

- a. 15 days actual suspension.
- b. The respondent shall obey all laws and regulations related to the practice of engineering and land surveying.
- c. The respondent shall submit such special reports as the Board may require.

10. *Public Reprovals.* Whenever the administrative law judge orders that a public reproof be made, the proposed decision should contain the following or similar language:

"The respondent shall be publicly reproofed."

*N.B.* Conditions of probation shall apply to all penalties other than the maximum penalty of revocation.

Your response to these proposed guidelines should be sent to Board of Registration for Professional Engineers, 1006 Fourth St., Sixth Floor, Sacramento, CA 95814.

**CAPITOL REPORT**

*(Continued from Page 9)*

or is accredited by a regional or national accrediting agency recognized for the purpose by the United States Office of Education. Each year of study in an approved or an accredited course in land surveying without graduation shall be counted the same as one-half year of experience.

(d) Each applicant claiming equivalent credit for education may be required to produce a complete transcript of all college level courses completed.

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