

The Voice of the Land Surveyors of California

# SURVEYOR

*California*

Institutional Affiliate of American Congress on Surveying and Mapping

Spring 2005 Issue #144



## Passing the Gavel

Robert C. Hart, PLS 2004 President

Armand A. Marois, PLS New CLSA President



Interview with  
Cindi Christenson  
and Mike Welch

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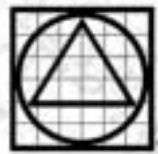
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The quarterly publication of the California Land Surveyors Association, Inc. and is published as a service to the land surveying profession of California. It is mailed to all Licensed Land Surveyors in the State of California as well as to all members of the California Land Surveyors Association, Inc. The California Surveyor is an open forum for all Surveyors, with an editorial policy predicated on the preamble to the Articles of Incorporation of the California Land Surveyors Association, Inc. 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 Land Surveyors and their work."

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**DEADLINE DATES**

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*Opinions expressed by the editor or individual writers are not necessarily endorsed by the California Land Surveyors Association Officers or its Board of Directors. Original articles may be reprinted with due credit given to the source and written notification to the California Land Surveyors Association, unless otherwise noted.*

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**On The Cover:  
Passing the Gavel**







By: Carl C. deBaca, PLS - Editor

## From the Editor

# So long Phil...

... it seems the mouthpiece of California Surveyors these past few years has just taken a powder and I'm left with the check. I've got to come in and try to fill Phil's shoes which will be no mean feat. Alright, I can do this, I'll just take baby steps, make it up as I go along. I can rely on a pun or two and a few clichés, like the four or five I've already tossed out. Ahh, but George Orwell famously wrote, "Never use a metaphor, simile or other figure of speech which you are used to seeing in print." Well, there goes this editorial...

I suggest that occasionally we should use the Cal Surveyor as a spotlight to illuminate a central issue. Consequently, I hereby solicit you readers for themes. Please – no suggestions like which wine goes with what survey? Merlot, Chardonnay, Pinot Noir and Cabernets, ALTA surveys, construction staking, hydrographic surveys, control surveys, it's all so confusing, we'd need endless graphs and charts. And it would never be more than a matter of opinion, much like many of the relevant issues facing our profession.

How about debating what we call what we do? "...Ladies and Gentlemen, tonight's bout is a ten-rounder featuring Surveying versus Geomatics". A sure lightning rod if ever there was one. It's increasingly said that to sell our profession to the young, we need to change its name. "Surveying", if it conjures up any image at all to the adults of tomorrow, most likely connotes the 'wearing of the orange', some yokel holding a stick and interfering with rush hour traffic. Whereas "Geomatics" sounds like it's related to space travel, which maybe it is insofar as determining one's position by pseudo-ranging from satellite vehicles. I'm definitely an old-school surveyor but if a name change will help stave off what some are calling "the graying of the profession" by bringing new blood to our group, then I'm all for it. (Frankly I would prefer the "greening" of the profession.)

How about an issue devoted to the unique way that surveyors compete in the market place, compared to other learned profes-

sions? None of us wants to violate the Sherman Antitrust Act. Maybe I should just stop now before I run that risk. Perhaps if I don't mention numbers, figures, percentages or any other conspiratorial suggestion I might not be found guilty and should you continue to read this, neither might you. But let me throw out a couple questions for you. How you answer will probably depend on your background and current gig. I don't mean to offend, but if I do, I'm not particularly sorry about it.

Why are surveyors competing for the bottom dollar in these times when the only reliable investment seems to be real estate? Why does a realtor get a percentage of the sale price for brokering a real estate deal while we settle for a fixed fee, usually insultingly low, for the ALTA survey on the same property? At the end of the day, who knows more about the property in question? And who has retained more liability?

Why are a large number of us working out of our garages for fees not much better than the salaries we left behind when we quit working for The Man? Why is it that those people seem offended by the mere asking of these questions? Certainly everyone has a right to make a living as they see fit and these independents are the gears and cogs of capitalism, so dear to our national values. But the client is shopping for an expert service. Shouldn't he expect to pay for it? Right now he doesn't. You know, I don't recall seeing a lot of orthopedic surgeons undercutting each other's fees...

We'll tackle some of those themes in future issues, with your help. Presently, our LS exam passing rates are low, there's a shortage of new blood in our ranks, our licensing board is feeling the heat of the California Performance Review and the national surveying organization is negotiating a document to standardize cross border licensing between the three NAFTA signatory countries. I guess our theme for this issue is "The Surveying Profession-Threats on all Sides". There are some calls for your help among these pages, so get motivated and get involved, your profession needs you! ❖

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By: Armand A. Marois, PLS - President

## President's Message

# Us and Them

Us and Them some of you might recognized as a title of a Pink Floyd song from their Dark Side of the Moon album. Yes, I said album for all you younger folks out there. In my travels across the state, speaking to CLSA chapters as well as attending CLSA Board of Directors meetings plus NSPS Governor s meetings, I ve come across this as an underlining theme with comments such as, Those people don t understand my problems , or What are they thinking? , or They need to do something about this . As issues are raised and discussed at conferences and meetings, I ve often heard the individual surveyor complaining about them .

Nationwide, there are approximately 40,000 licensed surveyors. This makes us a small community of professionals. The need to be united in our proactive efforts is vital.

By being united, we become strong, which is the key to upholding the profession. That strength will never be developed as long as we continue to focus on our perceived weaknesses, difficulties, and differences, rather than our common goals. We need to be united; otherwise, we could be looking at the demise of our profession or devolution into a subset of other professions.

Membership is one of the keys to becoming strong and united. By belonging to your local chapter, state CLSA, and NSPS you are helping to create the strength in numbers and resources that will allow us to achieve our goals.

Communication is another key. Having clear channels of communication is essential to building a strong network of professional surveyors. This dialog begins with all of us . We can develop solutions as a team by discussing together problems and issues facing our profession.

Remember, decisions are made by those who participate. So if things are not going your way, the question becomes, Is CLSA failing you, or are you failing CLSA? If you re not a member, please join now to be a part of the team of us .

We need to look past our horizons in order to see the stars and the heavens beyond.

### LS Exam

There has been much discussion in surveying and engineering circles, including our own forum section of the CLSA website, regarding the pass rates of the land surveying exams. With a percentage of 51.15% for the national portion and a 14.75% for the state-specific, questions arise when compared to pass rates for engineers that range from 32.21% to 62.96%. Is the national exam too easy? Is the state-specific exam too difficult? Are the candidates sufficiently qualified?

The County Engineers Association of California (CEAC) is seeking to have the LS Act modified to allow any registered civil engineer to perform municipal surveying duties. Their action request cites the lack of newly licensed land surveyors looking for work, is further exacerbated by the pass/fail rate of 5%/95% for those taking the State licensing test in 2003 . However, when researching California's Board for Professional Engineers and Land Surveyors (BPELS) website, I found a pass rate of 14.20% for the state-specific exam in 2003. It should be noted that CLSA is monitoring CEAC s request very closely and will be opposing any change to the LS Act that would allow post-1982 engineers to perform surveying activities, not already outlined.

Is the national exam too easy? When California first used the National Council of Examiners for Engineering and Surveying (NCEES) test, California had the highest pass rate, 66.52%, in the nation. This may speak to the question, are the candidates qualified? NCEES stated goal is to test for minimum competency .

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Is California's minimum competency more stringent than a national requirement?

Is the state-specific exam too difficult? One of the problems often cited is the number of candidates taking the exam multiple times. It has been statistically shown that the more times a person takes the exam the lower that person s chances are of passing. So, one option would be to limit the amount of times a candidate can take the exam. One of the respondents to the forum did indicate that after he had failed the exam three times, he took a review course and passed the next time around. Are the candidates taking the testing seriously? Are the references being truthful about the candidate qualifications? Are the candidates getting the right amount and type of experience? Is the exam being graded too rigidly?

As you can see, the more questions that are asked, the more questions are generated. So what can CLSA do to assist in increasing the pass rate? One way is to prepare a study guide for LSIT candidates to utilize in preparing for the exam. This was one of the goals of 2004 President Bob Hart. The Executive Committee is currently working on such a Guide and I hope by the time you read this, it will already be available. Another of President Hart s goals, that I would like to continue with, is to develop a How-To Guide for chapters to use to establish their own LS review curriculum. Several of our chapters have used programs such as these with excellent success. Already on the CLSA website is the new Professional Development Forum, with a goal to post a sample question, along with an estimated time to complete the problem, each month. Also, I would like to propose to BPELS that CLSA appoint an ad hoc committee of professional surveyors to work with the Board. The committee s task would be to determine if there are any changes that could be made, in the development and grading of the exam, if there should be restrictions on how many times an applicant can take the exam, and to review how applicant s qualifications are determined.

These ideas and proposals will help, but in the end, it is all up to us, as professionals, to teach and mentor the future surveyors.

### Public Outreach

#### Trig-Star

As you may know, CLSA supports and sponsors Trig-Star. This is the program that puts surveyors in front of a classroom of high school students to present information about careers in surveying. In addition, a survey-based scenario test is given to the students. Cash prize awards are given to the top students, along with plaques. The top high school

Trig-Stars will have their scores compared statewide to determine the top three students in the state. First, second, and third place students win \$1,000, \$750, and \$500 respectively, along with an appropriate trophy. It should be noted that CLSA increased the award amounts due to a generous contribution from the Professional Engineers in California Government (PECG). The state winner goes on to compete in the national exam. Our 2004 state winner came in second in the nation. This is an excellent opportunity to reach the next generation of surveyors.

#### Scouting Merit Badge

CLSA also voted to establish a Scouting Merit Badge program statewide. The Boy Scout surveying merit badge is one of the oldest in Boy Scout history. The idea is to team a surveyor with a local troop(s) to teach, supervise, and certify that the scout or scouts have completed required field exercises, along with drafting a scaled plat of their boundary traverse.

To help accomplish this CLSA will appoint a statewide coordinator to teach local surveyors, the requirements to be a merit badge counselor.

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### CLSA Education Foundation

The Foundation will contribute additional funds to each Chapter that participates with the Foundation in administering their scholarships. For each Chapter that awards more than \$500, the Foundation will contribute \$250, and for any Chapter that gives less than \$500, the Foundation will contribute \$150. Example: If a Chapter has a scholarship that it funds for \$750 a year, with the Foundation s contribution, the student will receive a check in the amount of \$1,000. The goal is to have every Chapter have at least one scholarship run through the Foundation. Currently, there are 7 Chapters participating. The Foundation hopes all the Chapters will be on board soon with the ultimate goal to give a scholarship to each student who meets the requirements.

The Foundation also established a Roy Minnick Memorial Scholarship in the amount of \$1,500. Northern Counties Chapter has already donated \$1,000 toward this annual scholarship.

The Foundation also received the Board of Director s approval to increase the amount of the CLSA annual scholarships as follows: James E. Adams Memorial raised from \$1,000 to \$1,500; A.E. Ed Griffin Memorial from \$1,000 to \$1,500; President s Scholarship from \$500 to \$1,000.

The Foundation s largest fundraising source is the auction at the annual Conference. Old survey items, plus other items of interest, that are donated by members like yourself, are auctioned off. So, if you are at the Conference and you didn t donate, please consider purchasing an auction item. ❖



# The “New” National Society of Professional Surveyors



For twenty five years, the National Society of Professional Surveyors (NSPS) has been the national voice and advocate for the surveying profession in the United States, as a member of the American Congress on Surveying and Mapping (ACSM). In 2004, changes in the ACSM structure transformed NSPS into a truly independent organization with national stature and responsibilities.

The most significant change has been that surveyors who join the newly independent NSPS exercise direct control over the activities and programs of our society and its resources. Self-governance, underpinned by financial autonomy, has positioned NSPS to better represent the surveying profession at a myriad of professional and political forums and to enhance decisively, the quality of the profession and its public image.

NSPS is the largest member of the re-organized ACSM, and will continue our traditionally strong participation in the Joint Government Affairs Committee and in planning and contributing to the national conferences of ACSM. In these, as in all other matters deemed important by and to surveyors, the new NSPS is accountable first and foremost to our membership.

Dedicated membership inspires dedicated organizations. In the past, generations of surveyors have strived to build a national society for surveyors with a presence where it matters most—on Capitol Hill, where policies are made, and in schools and colleges, where the promise of the future resides. Thanks to these visionaries, we have such a society.

We now need to double our efforts to insure that NSPS continues to evolve as one of the most respected professional societies in the U.S. We, the NSPS Board of Directors and the NSPS Board of Governors invite each and every member of the surveying community to join us in this pursuit.

## NSPS—an active society

Largely through the efforts of our members, NSPS is engaged in all aspects of surveying practice and education. With your involvement more can and will be done! The association has crafted its role as the national organization of surveyors around issues most in need of national focus. Some of them directly affect every surveyor in the country.

So much of the surveyors' work is done away from the corridors of power that it is easy to forget how legislation can impact what we do and how we do it. NSPS promotes and protects the interests of the profession in federal legislative and regulatory arenas.

Surveying is a multi-faceted community. Beyond private practice, today's profession includes many practitioners working in various federal, state, and local government agencies with geospatial information and planning mandates. The Federal Emergency Management Agency (FEMA), the National Oceanic and Atmospheric Administration (NOAA), the National Geodetic Survey (NGS), the Federal Geodetic Data



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Committee (FGDC), the United States Geological Survey (USGS), and the Bureau of Land Management (BLM) all have a strong surveying and mapping component in their programs which have a bearing on the national land cadastre, on floodplain management, on home ownership, on natural hazards mitigation, and homeland security. NSPS now represents the entire surveying community in these government programs.

In the international arena too, NSPS is the profession's national voice, chairing and participating in the working commissions of the International Federation of Surveyors (FIG).

Education is another priority area for the new NSPS. Members of the society assist the Accreditation Board of Engineering and Technology (ABET) in evaluating curriculum accreditations, and NSPS will continue to work with the National Council of Examiners for Engineers and Surveyors (NCEES) on issues of mutual interest. Apart from promoting higher education standards through better accreditation processes, NSPS supports surveying and mapping education with scholarships, fellowships, and awards funded and administered by the NSPS Foundation. With a soon-to-be released recruitment speakers' kit intended to present surveying as an exciting career choice, the association will build on two of our highly acclaimed programs for middle and high schools, the Trig-Star program and the Boys Scouts Surveying Merit Badge program. We will continue to lead in the development and promotion of ALTA standards, in continuing education, and in certification programs for surveyors, such as the national Certified Surveying Technician (CST) program, the Hydrographer Certification program, and certification of surveyors to expedite letters of map amendment related to floodplain mapping.

Professionals join professional societies for a variety of reasons. One of them is a need for peer-to-peer interaction at conferences and through the association's publications. Given that technology and competition have taken many small, private, scientific publishers out of business, professional societies in many fields, including surveying and mapping, are increasingly being viewed as the guardians of academic freedom. In 2004, NSPS became the official publisher of *Surveying and Land Information Science (SaLIS)*, along with the American Association for Geodetic Surveying (AAGS) and the Geographic and Land Information Science (GLIS). We are dedicated to the advancement of the profession both technical and intellectual.

For a society with 50 state affiliates, communication is of paramount importance. NSPS has three tools for communicating with our membership, the industry, and the surveying community at large. One of them is the *ACSM Bulletin* ([www.acsm.net/pub-list.html](http://www.acsm.net/pub-list.html)), which comes out six times a year and carries news and features informing about the latest developments in the geospatial sciences. *The Government Affairs Update* is a monthly e-newsletter which keeps members abreast of latest developments in the legislative arena and about activities either planned or already being undertaken. The Map Exhibit planned for April 2005 in the Library of Congress is one such activity that was previewed in the *Update*. The NSPS call to surveyors to support fellow surveyors in Florida during the disastrous hurricane season of 2004 is another type of “update” news delivered to members. The third communication vehicle that NSPS intends to use to its fullest is our new website, [www.nspsmo.org](http://www.nspsmo.org). Currently under construction, the Board of Directors recently initiated a reconstruction designed to serve the membership in every way possible, while presenting surveying in a detailed and stylish fashion.

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# UPDATE California Performance Review

A principal issue facing the Board for Professional Engineers and Land Surveyors (BPELS), with ramifications concerning CLSA, is the Governor's recommendation to eliminate 88 licensing boards, including BPELS. This idea came out of the California Performance Review, commonly called the CPR. It was conceived as a way to cut waste and improve efficiency in state government. The CPR delivered its final report on October 30, 2004. On January 6, 2005 the Governor sent his recommendation to eliminate 88 different licensing boards and reorganize their functions as bureaus under the Department of Consumer Affairs, to the Little Hoover Commission.

CLSA has tracked the progress of this from mid-2004 to the present time. We submitted a letter (page 15) stating our views to the CPR Commission when they were still taking public testimony. We also sent a letter (page 24) to the Little Hoover Commission stating our opposition to the elimination of our licensing board, once it became clear that the Governor was out to kill our Board. Several of our members sent letters to their local newspapers asking the Governor and the Little Hoover Commission to reconsider. Some of our members sent letters to the Governor, as well.

On February 17, 2005 the Governor withdrew his proposal, citing the need for more study on the issue. In all likelihood this issue is not dead. This reprieve is more due to political realities than any sincere reconsideration on the Governor's part. In truth, the Governor probably underestimated the very vocal nurses and accountants and others like ourselves who opposed the plan. Also the Governor probably didn't want to fight with the legislature over the prison reform issue and the board consolidation issues at the same time. It is quite possible that he will bring this back at a more opportune time with maybe 5 or 6 boards removed from the 88, depending on who has the gravitas and/or political pull. As noted in an article in the Sacramento Bee about a field poll regarding Governor Schwarzenegger's reform proposals, "Schwarzenegger's now-abandoned plan to consolidate many state boards and commissions into fewer but larger agencies was favored by voters, 53 percent to 37 percent."

Last year BPELS life was extended for 2 more years via Sunset Review legislation. At the end of that time, which would be July 2006, there would need to be yet another extension via additional legislation. The Governor could veto that legislation and similar legislation for other boards, and accomplish his goal that way.

You are encouraged to visit the CLSA website and post your thoughts at the Discussion Forum. When deliberating this issue and deciding whether or not you support BPELS, it would be helpful to consider the following four points:

1. National exams — California would be the only state without a board and thus we would have no voting rights at NCEES, an organization with which we presently have considerable influence. The most we could hope for would be affiliate membership, which would not guarantee that we would have a say in the content of the national exams.
2. There are no legal guarantees to public access under the Bureau scenario. Ms. Christenson says that she has been assured that there is public input through the regulatory process but regulatory meetings are not mandatory and would not be held on any sort of regular schedule.
3. The loss of continuity and historical memory of the staggered board terms. The Director of the Department of Consumer Affairs is a political appointment and each new Governor would no doubt replace that person as an act of political patronage. That person in turn, would likely call for the resignation of the various bureauheads and replace them with allies causing definite loss to the institutional memory and bring bureaus like ours into near constant turmoil.
4. There are no savings to the taxpayer. Our board, like many others, is self-funded through license renewal fees.

CLSA needs to do what it can to make sure our board becomes recognized as one that should be removed from the chopping block. We need to acknowledge that this is a reprieve and not a pardon and we should commence a letter writing campaign. ❖

## CALIFORNIA LAND SURVEYORS ASSOCIATION

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PHONE: (707) 578-6016 FAX: (707) 578-4406  
www.californiasurveyors.org clsa@californiasurveyors.org

September 27, 2004

California Performance Review (CPR) Commission

### RE: Existing Board for Professional Engineers and Land Surveyors

Dear Commissioners,  
We applaud the Governor's review of the waste in state government. Many agencies perform overlapping or duplicate functions. However, we feel strongly that the Board for Professional Engineers and Land Surveyors performs an important regulatory function that will be dramatically crippled by the formation of a licensing bureau under the future Division of Commercial Licensing. We have some concerns since this is the same organization that will regulate cosmetologists and auto repair facilities, which have little in common with our profession.

While we sympathize with the feeling that the licensing process for most professions should be streamlined, our licensing process must take into account the significant amount of property law, higher mathematics and intimate knowledge of measurement tools and techniques that must be mastered before a surveyor can reach professional status and offer his or her services to the public. This mastery can only be demonstrated through administration of a rigorous examination and we are concerned about how a bureau would maintain the integrity of this process. The following points summarize our concerns:

This board, made up of a combination of practicing professional engineers, land surveyors and public members appointed by the governor and the legislature, oversees the laws and regulations governing these professions. They administer the examinations necessary to achieve professional status, oversee complaints of incompetence and negligence and monitor the issues that affect the professions by holding regular public meetings.

Regulation of the profession of land surveying helps preserve the most fundamental of American rights, that of property rights and ownership.

Continued on page 22

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# News Flash!

President Bush has signed legislation to create a national historic park that will memorialize the end of Lewis and Clark's epic cross-country journey at the mouth of the Columbia River.

The park includes the 1500 acre Fort Clatsop National Memorial in Oregon and three sites across the river in Washington where the Corps of Discovery camped and explored.

Dedication of the park was held on November 12, 2004 at the Lewis and Clark Interpretive Center at Cape Disappointment State Park in Washington.

This is the 200th anniversary of the journey of Meriwether Lewis, William Clark and the Corps of Discovery. For the next few issues of the Cal Surveyor, we are going to give you a brief update on their adventures and some present day information regarding historic sites, museums and other places of interest related to their journey that you could visit.

There are numerous resources on the internet if you are interested in learning more about Lewis and Clark. Here are a couple of them:

[www.nationalgeographic.com/lewisandclark/](http://www.nationalgeographic.com/lewisandclark/)  
[www.lcarchive.org/fulllist.html](http://www.lcarchive.org/fulllist.html)

## *In the neighborhood of 200 years ago:*

### **November 4, 1804**

Lewis and Clark hire French-Canadian fur-trader Toussaint Charbonneau and his Shoshone wife, Sacagawea, to act as interpreters on the journey ahead.

### **December 17, 1804**

The men record the temperature at 45 degrees below zero, "colder than [they] ever knew it to be in the States."

### **December 24, 1804**

The men finish building Fort Mandan, their winter quarters in present-day North Dakota.

### **January 1805**

The Corps attends a Mandan buffalo dance, performed to call buffalo to the area.

### **February 11, 1805**

Sacagawea's son, Jean Baptiste Charbonneau—nicknamed Pompy by Clark—is born with assistance from Lewis. At a site near Washburn, North Dakota sits the recreated Fort Mandan. Here's the website:

[www.fortmandan.com/](http://www.fortmandan.com/)



*Photo courtesy of Fort Clatsop National Memorial*

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# Interview

with Cindi Christenson,  
Executive Officer of the California Board for Professional  
Engineers and Land Surveyors (BPELS)

and Mike Welch,  
the Land Surveyor member of BPELS



On August 7, California Surveyor had an opportunity to sit down with Cindi Christenson, Executive Officer of the California Board for Professional Engineers and Land Surveyors (BPELS) and Mike Welch, the Land Surveyor member of BPELS for some discussion of the most recent pass rate for the LS examination. This past year has seen BPELS face threats from two different directions. The first was the potential veto of SB 1549 which contained provisions unpopular with surveyors and reputedly with the Governor. The bill also extended the sunset date for BPELS. If that bill were vetoed, the Board would cease to exist as a board and would become something of a bureau. In the end, the Governor signed the bill and spared them and other boards whose heads were on the chopping block.

The second threat was, and is, the California Performance Review report commissioned by the Governor. The report recommends doing away with all such boards and replacing them with bureaus organized under a new entity to be called the Division of Commercial Licensing, in the interest of improving governmental efficiency. This is an on-going threat and will play out over the coming years.

The interview with Cindi and Mike took place before the scheduled BPELS public meeting and ran about 45 minutes. Following are excerpts of the interview:

**The pass rate is around 14 percent again this year. Except for 2000 and 2001, it has been below 20 percent for at least 6 years. What do you read into that?**

**Cindi** - Well, this is just the second year of the test [in the new national/state-specific format], it's too early to tell. Poor candidate preparation might be one reason.

**Mike** - Part of the problem is generational. This generation has different expectations, maybe they're not as hungry.

Many of the candidates are pigeon-holed and don't get the broad experience that the last generation got. This leaves them at a disadvantage for the test.

**Cindi**- And many of the candidates are in families where both spouses work so there's no home support for the study efforts needed to pass.

**Are there people taking the test who shouldn't, who maybe aren't qualified?**

**Mike** - People often sign for their buddies.

**Cindi** - They think the test will weed them out.

**The statistics seem to indicate that the odds of passing go down for multiple test-takers. This is true even on the national test where this year it went down by 50%. Why do you think that is?**

**Cindi** - You have to make a change. Unless you change study habits or employment, you won't pass. Candidates tend to continue with their original study habits and they may not be enough.

**Mike** - We need to break the chain and find a way to make the multiple test takers change their study habits.

**At the CLSA Board of Directors meeting, Mike, you threw out a suggestion that, for lack of a better term we'll call "three strikes", you suggested that maybe the Board could mandate that after three failures, a candidate might have to demonstrate that he or she has done something definitive to get over the hump - take a class, a correspondence course, changed employment role, et cetera.**

*Continued on next page*

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**Mike** - I think something along those lines would work. Again, we need something to force a change in the way they study.

**Cindi** - Some other states have similar rules. However, it might require legislation to accomplish.

**What about requiring that three-strikers meet with a panel of appointed professionals or maybe the LSTAC for an interview prior to applying for a 4th time?**

**Cindi** - That would not work because the questioning would be subjective. In order to avoid seeming impartial, the questions would have to be the same for each candidate and even the tone in which a question is asked could be grounds for a rejected candidate to sue.

**Would being able to get old test questions for study purposes help the candidates?**

**Cindi** - They are available now.

**Those are getting pretty old now, aren't they? I mean maybe the candidates don't really understand the test process or the nature of the questions.**

**Mike** - Well, the test is broken into elements and you need to answer in specific terms, not general terms, to get credit for a correct answer. It's difficult to get test takers to understand that. I think understanding how the test is graded and knowing your way through the materials would be valuable.

**Cindi** - Perhaps CLSA could pay for preparation of a study guide for the exam. You could approach the firm that oversees the testing process. That would be one way that CLSA could help.

**The Governor's review of state government, i.e. the California Performance Review or CPR report has just been released and this Board is on the list of those to be eliminated in favor of a bureau.**

**Cindi** - A bureau would be headed by a political appointee; would have Technical Advisory Committees (TACs) assigned to them and would be free to listen to or ignore the TACS as they see fit. There would be no open meetings, no opportunities for public to comment or offer ideas.

**What can CLSA do to help prevent this?**

The state is going to have a series of hearings throughout the state. Attending those meetings and speaking out and showing that there is an active group of professionals is critical.

#### Editor's Note

The CPR commission recently concluded a series of public hearings throughout the state. At the final meeting, held at U.C. Davis, CLSA delivered a letter to the Commission indicating our concern with the process.

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**Letter RE: Existing Board for Professional Engineers and Land Surveyors**

This board is self-funded through license renewal fees and performs its important public safety and protection of property rights tasks without any drain on the states general fund.

The hint of a plan for reorganization under a bureau licensing may have impacts on the tort system, complaints for sub-standard practice and a multitude of other issues looming in the unknown.

Whatever happens to this board, whether eliminated by the CPR recommendations or eliminated by a sunset provision that finally takes effect, we have a vested interest in providing help and assistance in the formation of a regulatory body that includes professional land surveyors.

Sincerely,  
**Robert C. Hart, Jr., PLS**

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January 21, 2005

Michael E. Alpert, Chairman  
Little Hoover Commission  
925 L Street, Suite 805  
Sacramento, California 95814-3704

**RE: REORGANIZATION PLAN BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

Dear Chairman Alpert and Commissioners:

The California Land Surveyors Association submits this letter to comment on Governor Arnold Schwarzenegger's Reorganization Plan, which, among other things, eliminates the Board for Professional Engineers and Land Surveyors (Board) and transfers its functions into the Department of Consumer Affairs. We submit our comments in the spirit of providing to the Little Hoover Commission (Commission), information that we hope will be useful in its consideration of whether the proposed reorganization is in the best interest of the people of the State of California.

We also fully support the reorganization plan's goal of improving the productivity and accountability of state government. We believe, however, that the Board plays a unique, if not indispensable, role in regulating the practice of land surveying and engineering for the benefit of California's citizens. Moreover, the Board's continued operation is consistent with the objectives of the Governor's plan. If the Board is disbanded, we believe that the significant value added by the Board to state government could not be replicated in the Department of Consumer Affairs and, instead, would be lost, to the detriment of California consumers.

In evaluating the elimination of this Board under the Governor's Reorganization Plan, we urge the Commission to consider the following:

1. The appointed members of the Board, particularly its public member majority, are essential to representing the public.
2. If the Board is disbanded, the people of California will lose access to decision-makers on major policy issues that pertain to the practice of land surveying and engineering in California and its impact on California consumers.
3. If the Board is disbanded, California will lose its strong influence in national forums relating to standards for the practice of land surveying and engineering in both the State of California and nationwide.
4. The Board is self-funded by fees imposed upon the professional community it regulates, without burdening the state's budget.

We briefly discuss these points in turn.

1. The Board provides an accessible and effective public forum in which to address, in a manner that is transparent and understandable to the public, the complex issues that affect the practice of land surveying in California.

Moreover, the breadth and depth of the experience and expertise of the Board's public members, on the one hand, and licensee members, on the other, uniquely position the Board to fulfill its regulatory function in a manner that furthers the Board's statutory mandate of protecting California consumers and that is consistent with business realities.

2. The Elimination of the Board Will Reduce the Public's Access to and Participation in the Regulation of the Profession.

Every decision made by the Board on proposed legislation, regulations, standards, enforcement matters, and other significant issues are discussed, deliberated and decided in an open public forum. The Board actively solicits input from the public, the profession, and consumer groups on every policy matter before it.

Moreover, the Board does extensive outreach to the public about its mission, its work, and the services it provides both to consumers and the profession. The Board's website is easy to find, easy to use, and is set up to receive and quickly act upon the public's complaints and suggestions, and to provide timely guidance to the public and the profession on current issues.

*Continued on page 36*

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# Stop me if you've heard this one before...



We cannot presently provide a sufficient number of new licensees each year to meet the need for survey professionals in our fair state. And if you project out a few years, the situation only gets worse. Think about it, there is just one university in California that offers a baccalaureate degree in Surveying/Geomatics, and one more that offers a program called “Geospatial Engineering” which is a BS in Civil engineering with specialization in surveying. The first one produces around 20 graduates a year. The second one is facing severe budgetary problems and has recently solicited financial help from CLSA to keep their instructors teaching.

Then there's the LS Exam. In California 51% of applicants passed the national exam this year, which is 15 points lower than the national average. What's more, this pass rate fell from last year when we had the highest pass rate in the nation. Regardless of the pass rate on the national exam, which many feel to be an insufficient test of professional skills and knowledge anyway, it is the state-specific examination that continues to be a road block through which few shall travel. Out of 488 applicants this year, only 72 passed, (with a cut score of 46.6%). That's a 14.75% pass rate. We should welcome the 72 new professional Land Surveyors into our ranks but the number itself is underwhelming indeed. Where will the next generation of Land Surveyors come from? (Speaking of underwhelming, don't you wish we could get that cut score up a little and have it stay there?)

*Statistics are funny things, so telling when taken at face value and so cryptic when you look below the surface...*

*According to a report issued by the State of California Department of finance entitled “E-4 Population Estimate for Cities, Counties and the State, 2001-2004” which is on the State of California Website, the population of California increased by roughly 7% between 2000 and 2004. At first glance, the increase in licensed Land Surveyors would seem to be keeping pace or even slightly ahead of that percentage increase based on the fact that there have been approximately 500 licenses issued since 2000. But our board does not know how many active Land Surveyors live in the state at any one time and they do not track separately those who move away from California or those who retire other than those who go 'inactive' or pass away. So while the gross increase in license numbers is up by a little over 500, what is the net gain over these years? We don't know. Anyone who would like to make a project out of determining this information would receive warm support from this magazine and their results would be published, we promise.*

So there are two principal problems facing surveying in California. The first is that not enough new blood is coming into our ranks. The second is that not enough interns can pass the examination to become professionals. No solutions to these problems can be put forth until the problems themselves are better understood. Why are there so few students signing up for the Surveying/ Geomatics programs offered in California? Is a poor public image turning off the high school grads that might otherwise be well suited for our profession? Maybe we have no perceptible public image at all, which is just as bad. And what of the LS Exam's low pass rate in California? Is it too easy to qualify to take the test, thus skewing the pass/fail statistics downward? Do the applicants have enough opportunity to take courses and study for the test? How about the test itself? CLSA members are involved in writing questions, evaluating questions, and grading questions. The general feeling among them is that the test is fair. An interesting statistic is that the pass rate actually goes down for repeat examinees. This is counter-intuitive if you assume that anyone who fails the test continues to study until it is time to re-take it. But then again, this is a phenomenon identified at the national level as well.

*Continued on page 30*



# NAFTA MRD Review Committee Final Report to the NSPS Board of Governors



The NAFTA Mutual Recognition Document (MRD) Review Committee completed its mission and delivered a final draft to the NSPS at the Fall meeting in Gaithersburg, Maryland, with a recommendation for consideration and approval. The MRD was accepted and has been forwarded to the Canadian and Mexican surveying organizations for review, and to the NCEES for review, as well.

As previously reported, the committee fleshed out a compromise and some new language that promised to make the MRD a more complete document and one that might bring the balance of the states to the table during some marathon meetings in Nashville, Tennessee at the Spring NSPS/ACSM Conference.

The original MRD provided only for a restricted license for non-boundary surveying in host states. CLSA felt that this is not universally possible because there are states, such as ours for example, with an all-inclusive definition of surveying and for which a visiting surveyor would have to obtain an 'unrestricted' license to practice surveying. The key revision to the document revolved around how to recognize this fact and how then to deal with it. It was proposed to add such language of recognition and then follow that up with language indicating that those states *could* require their state-specific exam to be taken and passed in order to obtain an unrestricted license.

The compromise that brought this all together was the concept of not looking "behind the license". Simply put, a valid unrestricted license to practice land surveying in a visiting surveyor's home jurisdiction should be sufficient criteria to allow that surveyor to sit for a host jurisdiction's exam.

Out of this compromise came the concept of two distinct schedules by which a signatory jurisdiction could join the agreement: Schedule B for signatories offering a restricted license for non-boundary surveying and Schedule C for signatories offering an unrestricted license for all surveying activities but possibly requiring an examination.

Once the reviews are back from the Canadians, Mexicans and the NCEES, NSPS can decide how best to pursue the goal of developing a mutual recognition document, organized under the auspices of NAFTA. Visit the CLSA web site at [www.californiasurveyors.org](http://www.californiasurveyors.org) for a complete copy of the MRD. ♦



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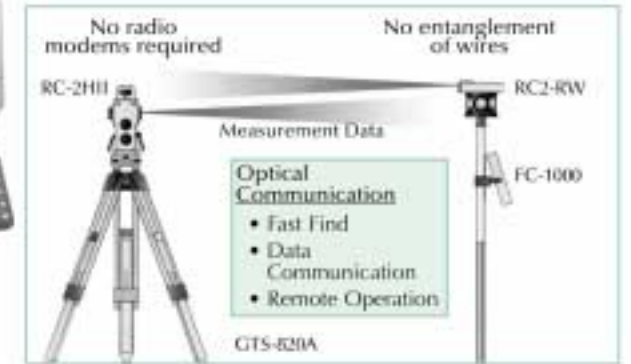
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The Board for Professional Engineers and Land Surveyors will be considering ways to improve the pass rate. One recent suggestion heard by CLSA: If an individual fails the exam three times, he/she should have to demonstrate to the Board for Professional Engineers and Land Surveyors that he/she has taken measures to improve his/her knowledge before being allowed to sit for the exam a fourth time. Offered for discussion are such measures as taking a college class, attending a seminar specific to professional surveying, or working through a correspondence course. Another suggestion is for the Board to assign members of the LSTAC, or perhaps a panel of local professionals, to interview any applicant who wishes to take Exam no. 4. Additionally, it has been suggested by some that perhaps, upon that fourth application, the candidate might need to re-establish his or her references. When you signed on as someone's reference, did you in effect say to that person, "I'll be your permanent reference, just keep taking the test until you pass."? Because that is how the system is currently set up.

As CLSA turns its focus to exploring the causes and possible solutions to these problems, you are encouraged to contribute. We need volunteerism to generate good public relations. Participating in Career Day at your local high school could help. Volunteering some of your time to

work in a TrigStar program at that same high school is very worthwhile. If you can't volunteer, at least sponsor a school. CLSA members are active doing these things but we could always do more.

If you are not a CLSA member, please join and if you are a member, please be active. These are prosperous times and everyone is stretched to their limit or beyond, but if you can't find time to participate in the only real forum for these concerns, that is CLSA chapter and state activities; and if you can't find time to mentor those in your employ, then the erosion of our profession cannot help but continue. If we don't protect our turf we're going to end up giving some of it away. ❖



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## Here's Some Important Information About CLSA

The goal of the California Land Surveyors Association is to promote and enhance the profession of surveying, to promote the common good and welfare of its members, to promote and maintain the highest possible standards of professional ethics and practice, and to elevate the public's understanding of our profession. CLSA represents all Land Surveyors, whether they are employees or proprietors, whether in the public or private sector.

### Representation

**LOCAL:** Your local chapter represents you in local issues. Through your chapter representative to the State Board of Directors, the individual member can direct the course CLSA will take. **STATE:** The Surveyor is represented at the state level through an active legislative program, legislative advocate, and liaison with the State Board of Registration. **REGIONAL:** CLSA is an active member of the Western Federation of Professional Surveyors. This Federation is composed of associations throughout the western United States and addresses regional issues. **NATIONAL:** Through institutional affiliation with the National Society of Professional Surveyors and the American Congress on Surveying and Mapping, CLSA is represented at the national level.

### Educational Opportunities

CLSA presents annual conferences which provide technical and business programs, as well as exhibits of the latest in surveying and computing technology. Seminars and workshops are presented to assist in continuing education. CLSA publishes the California Surveyor magazine and the CLSA NEWS to keep the membership abreast of changing legislation, legal opinions, and other items which affect our profession.

### Business and Professional Services

CLSA provides a fully staffed central office which is available to answer questions or to provide up-to-date referrals concerning legislation, educational opportunities, job opportunities, or other issues concerning our membership. Professional liability insurance programs are available to members.

#### JOIN CLSA TODAY!

- **CORPORATE MEMBER** \*\$159.00 + Entrance Fee. Shall have a valid CA Professional Land Surveyor or Photogrammetric license.
- **CE CORPORATE MEMBER** \*\$159.00 + Entrance Fee. Any California registered Civil Engineer who is authorized to practice land surveying pursuant to Article 3, Section 8731 of the PLS Act and must be actively practicing land surveying and show sufficient proof thereof. CE Corporate membership must be approved by the Board of Directors.
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3. The Board participates in and influences national regulatory and professional standard setting matters.

The practice of land surveying and engineering, like many other professions, is increasingly national, and even global, in scope. The Board has taken an active role in issues that affect not only Land Surveyors and Engineers who practice in California exclusively, but also those who practice in multiple states under the oversight of other state boards of registration. The Board has been a vocal and, we think, influential member of the National Council of Examiners for Engineering & Surveying (NCEES). One of NCEES' principal missions is to promote uniformity and consistency in state board regulations and thereby eliminate impediments to doing business across state lines. This is the central concept of the North American Free Trade Agreement (NAFTA), as well. NAFTA requires that professions such as surveying establish uniform criteria for cross-border trade and offer of services. At the present time the National Society for Professional Surveyors, along with the Canadian and Mexican societies, is negotiating such a document and the Board, through its involvement with NCEES will be able to exert some influence in efforts to both keep the playing field level and protect the California consumer.

If the Board is disbanded, our important leadership in the development and enforcement of national regulations governing the practice of land surveying and engineering in California, and its neighboring states, will be lost. Indeed, California would become the only state in the country without a separate appointed member board of land surveying and engineering.

We appreciate the Commission's consideration of our views. Please feel free to contact me if we can provide additional information or be of any assistance.

Respectfully,

Robert C. Hart, PLS  
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