

**SONOMA COUNTY CHAPTER
CALIFORNIA LAND SURVEYORS ASSOCIATION
PROFESSIONAL PRACTICES COMMITTEE
ACTION GUIDELINES
4-11-2007**

I. PURPOSE AND POWER

- A. The Professional Practices Committee (Committee) shall be a standing Committee of the Sonoma County Chapter (Chapter) of the California Land Surveyors Association (CLSA)
- B. These Guidelines shall regulate and guide members of the Professional Practices Committee of the Chapter according to the Bylaws of the Chapter.
 - 1. These Guidelines may from time to time be modified with a majority vote by the Committee and ratified by the Chapter at the next regularly scheduled meeting.
- C. The Committee shall
 - 1. Encourage a high ethical standard of practice in the Land Surveying Profession
 - 2. Review complaints of practices in regard to land surveying within the Chapter's boundaries
 - 3. Take appropriate action relative to these guidelines and make initial contacts concerning complaints within the scope of the Land Surveyors Act
 - 4. Report to the Chapter at the discretion of the Chairperson
 - a) That an action is being taken by the Committee during an investigation
 - b) Against whom and what actions have been undertaken prior to sending a Consumer Complaint to the Board of Registration
 - c) Full disclosure of the particulars and actions taken by the Committee after conclusion of an investigation

II. COMMITTEE MEMBERSHIP

- A. The Committee shall
 - 1. Consist of not less than 5 or more than 7 members
 - 2. Consist of members in good standing in the State Association and Chapter of the CLSA
 - 3. Be authorized to practice land surveying in the State of California
- B. Two members shall be appointed
 - 1. By the Chapter President
 - 2. On the last meeting of each year
 - 3. So as to encourage rotation of members within the Committee

- C. The President may appoint a member to fill a vacancy created by
 - 1. The resignation of a member from the Committee
 - 2. The removal of a member from the Committee
- D. The Chairperson of the Committee shall be
 - 1. Elected by the Chapter membership
 - 2. Voted on by the Committee if chair vacancy is created by resignation or removal from the Committee of the then current Chairperson
- E. Any member of the Committee may resign provided
 - 1. Resignation is in writing to Chairperson
 - 2. 30 days notice is given
 - 3. A reason for the resignation is given.
- F. Any member of the Committee may be removed provided
 - 1. Removal is proposed by the Chairperson AND ratified by 2/3 of the Committee, or
 - 2. There is a majority ballot vote of the Corporate Chapter members.

III. CONFLICT OF INTEREST

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

IV. CHAIRPERSON'S RESPONSIBILITIES

A. The Chairperson shall

1. Be the only member authorized to speak or sign correspondence on behalf of the Committee
2. Report types of actions and particulars as outlined under I.C.3.
3. Preside over the Committee meetings
4. Prepare agenda
5. Schedule meetings
 - a) On an as-needed basis
 - b) As requested by members of the Committee
6. Keep minutes of meetings
7. Appoint temporary Chairperson as needed for meetings when
 - a) Chairperson is unable to attend meeting
 - b) Chairperson has conflict of interest on a specific complaint and only for action on that complaint
8. Maintain the Committee records of complaints, including without limitation,
 - a) By whom complaint is lodged
 - b) About whom complaint is lodged
 - c) Date complaint is lodged
 - d) Nature of complaint
 - e) Documentation on and reports of allegations supporting complaint
9. Maintain the Committee records of actions on complaints
 - a) Written and oral
 - b) By and to the Committee
10. Prepare a budget for the following year if required
11. Send, distribute and receive all correspondence of the Committee except as provided herein

12. Appoint the Committee member(s) to investigate any complaint(s) to be brought before the Committee for action

V. COMMITTEE ACTION

A. Review: Committee may review any written complaint

1. From any Chapter member from any person authorized to practice Land Surveying in the State of California
2. From any public agency
3. From any member of the public

B. The use of the attached confidential complaint form is encouraged (see page 9)

C. Nature: Complaints may be

1. Non-professional practice by a professional including, without limitation,
 - a) Monumentation with no record or filing
 - b) Monumentation with improper or no identification
 - c) Record of Monumentation with no physical monumentation placed
 - d) Destruction of monuments without reconstruction or without remonumentation, including documentation
 - e) Any other form of non-professional practice deemed appropriate for review by the Committee
2. Surveying by a non-professional including, without limitation,
 - a) Monumentation and/or marking of boundaries
 - b) Offering surveying services in accordance with Section 8726 of the Professional Land Surveyor's Act
 - c) Using the title of "Land Surveyor" or "Professional Land Surveyor" or other titles specified in Section 8751 of the Professional Land Surveyor's Act
 - d) Any other action that violates state and local laws and ordinances concerning Land Surveying
3. Actions deemed appropriate for review by the Committee

D. Action

1. Committee shall approve any action by vote provided
 - a) Approval is by majority of a quorum at a meeting of the Committee. A quorum is no less than one half the members of the Committee
2. Action is any communication from the Committee either written or oral
3. Written action shall
 - a) Be on official CLSA Chapter letterhead
 - b) Be signed by the Chairperson

4. Oral action shall

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

VI. COURSES OF ACTION AND RESPONSE

A. Complaint shall be lodged in writing as provided above

B. Complaint investigation shall

1. Consist of verification and establishment of facts prior to any action by the Committee
2. Be distributed to all Committee members prior to any action by the Committee
3. Be performed by Committee members only

C. Initial notification shall

1. Be in the form of a registered, return receipt letter sent to person or agency against whom the complaint has been lodged and investigated
2. Be as shown in Appendix A
3. Be sent to the person against whom complaint has been lodged as soon as practicable after

complaint has been properly lodged and investigated

D. Second notification shall

1. Be in the form of a registered, return receipt letter sent to the person or agency against whom the complaint has been lodged
2. Be as shown in Appendix B
3. Be copied to the County Surveyor or local agency's city engineer, if applicable
4. Inform the person or agency against whom the complaint has been lodged of the impending action(s) by Committee
5. Be sent to the person or agency against whom the complaint has been lodged if
 - a) No response has been received within 30 calendar days of the delivery date indicated on return receipt for the initial notification
 - b) Stipulated actions have not been forthcoming in a timely manner

E. Third notification shall

1. Be an official Consumer Complaint sent registered, return receipt to the State Board of Registration for Professional Engineers and Land Surveyors
2. Be copied and sent registered, return receipt to the person or agency against whom the complaint has been lodged
3. Be as shown in Appendix C
4. Be sent to the person or agency against whom the complaint has been lodged if
 - a) No response has been received within 30 calendar days (but no less than 15 calendar days) of the delivery date indicated on return receipt for the second notification
5. Be reported to the Chapter at the next available regular meeting

Mission statement: "To promote and encourage professionalism in the delivery of services to consumers by Licensed Land Surveyors in compliance with the provisions of the California Professional Land Surveyors Act and to aid enforcement by the California Board for Professional Engineers and Land Surveyors (BPELS) by intervention on a local level, if possible."

**PROFESSIONAL PRACTICE COMMITTEE
OF THE
CALIFORNIA LAND SURVEYORS ASSOCIATION OF SONOMA COUNTY
CONFIDENTIAL COMPLAINT FORM**

I. SUBJECT (OF COMPLAINT)
Name of Individual, License/Registration # if known

2. COMPLAINANT (PERSON FILING COMPLAINT)
Your Name

Street Address _____

Business Name, if any _____

Daytime Telephone _____

Street Address _____

City _____ State ____ Zip _____

City _____ State ____ Zip _____

Home or Evening Telephone: _____
(If known)

Daytime Telephone _____

Email address or website: _____

Email address: _____ (if known)

SUBJECT PROPERTY ADDRESS and/or description of property location, include City and County and Assessor's Parcel Number (if known). _____

(Use additional sheet, if necessary)

3. Describe your complaint: Be specific. What happened? Did you try to resolve this situation? Who else is involved (names, addresses, and phone numbers)? Give dates and details. Include copies of plans, maps, etc. (Use additional pages if necessary. Be as complete as possible.) (Use additional sheet, if necessary.)
4. What do you want the PPC and/or Board for Professional Engineers and Land Surveyors to accomplish regarding this complaint? (Use additional sheet, if necessary.)
5. I declare, under penalty of perjury that the information contained in this complaint, (and any attached pages), is true and correct to the best of my knowledge and belief.

Signature _____

Date _____

ALL INFORMATION CONTAINED HEREIN IS TO BE "CONFIDENTIAL" UNTIL SUCH TIME AS THE COMPLAINT IS FORWARDED TO THE BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

SPACE BELOW FOR COMMITTEE USE ONLY – DO NOT WRITE BELOW THIS LINE

DATE RECEIVED _____ SECTIONS VIOLATED _____

1ST NOTIFICATION _____ RESPONSE _____

2ND NOTIFICATION _____ RESPONSE _____

RESOLUTION _____

3RD NOTIFICATION _____ TO BOARD _____

FINAL DISPOSITION _____

APPENDIX A

Date
Addressee
Address
Address

Dear Sir/Madam:

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

- Monumentation with no record or filing (§8762.d Land Surveyors Act)
- Setting untagged monumentation (§8772)
- Monuments not set according to recorded map or filing (§8771)
- Monument destruction without replacement or reconstruction, including documentation (§8771)
- Surveying related activities by an unlicensed individual (§8725) as described in Item No. 1
- Other

In relation to the following:

- | | | |
|--------------------------|----------|-----------------------|
| <input type="checkbox"/> | APN(s) | PARCEL DESCRIPTION(s) |
| <input type="checkbox"/> | Document | |
| <input type="checkbox"/> | Other | |

Item No. 1

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

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

Your cooperation is greatly appreciated.

Respectfully,
(Chairperson)

Chairperson, Professional Practices Committee
Sonoma County Chapter
XC: Committee members, file

APPENDIX B

Date
Addressee
Address
Address

Dear Sir/Madam:

It has been over 30 days since the request for response to the items in letter dated _____, 20 (see attached), was acknowledged by return receipt by you. The following responses(s) having been made to this Committee.

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

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

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

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

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

Your cooperation is greatly appreciated.

Respectfully,

(Chairperson)

Chairperson, Professional Practices Committee
Sonoma County Chapter

XC: Committee members, (County Surveyor or City Engineer) if applicable, file

APPENDIX C

(BPELSG Consumer Complaint Form)

Updated 5-17-18 HWB