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## **Illinois Laws, Rules, and Ethics for Professional Land Surveyors**

**PDH: 3 Hours**

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# Illinois Laws, Rules, and Ethics for Professional Land Surveyors

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# Illinois Laws, Rules, and Ethics for Professional Land Surveyors

## Course Overview

This Illinois Laws, Rules, and Ethics course satisfies 3 of the 20 hours of Professional Development Hours (PDH) required for Illinois licensed professional land surveyors, and specifically 3 of the 6 PDH required in Illinois Law and Rules.

This PDH Course is designed as a distance learning interactive course that allows the Professional Land Surveyor to review the canons of ethics and legal aspects that govern the practice of professional land surveying in the state of Illinois.

## Learning Objectives

Upon successful completion of this professional development course, the professional land surveyor will:

- Become familiar with the canons of ethics
- Become familiar with the laws and rules regulating the practice of land surveying in the state of Illinois
- Have increased understanding of ethical practices and be well versed with the Illinois state laws and board rules.
- Become familiar with the mandatory continuing education requirements, proper ways to sign and seal design documents, and the roles and responsibilities of a professional land surveyor.

## Grading

The student must achieve a minimum score of 70% on the online quiz to pass this PE PDH course. The quiz may be taken 3 times.

## Introduction

In addition to meeting education, experience, and examination requirements the professional land surveyor must become familiar with state law and rules to practice land surveying in any state. The laws and rules vary from state to state, but the basic requirements for qualifications and professional conduct are very similar throughout the United States.

Many state boards publish disciplinary actions taken against licensees who violate board rules. The most common types of violations are:

1. Performed services outside the area of competence
2. Practiced land surveying without being licensed in the state of the project
3. Practiced or offered to practice land surveying without being properly licensed
4. Failed to properly sign, seal, and date documents.
5. Sealed work not done under direct supervision or responsible charge
6. Sealed inadequate design documents, failing to protect the public

Other types of violations include:

1. Produced a deficient, substandard, or inaccurate report, failing to protect the public
2. Contracted with non-licensed person to provide a professional service
3. Conflict of interest
4. Committed a crime

To avoid these or other violations, professional land surveyor should periodically review the State Board Law and Rules. As a professional land surveyor, the licensee must recognize the obligation to protect the safety, health, property, and welfare of the public. If a licensee's judgement is overruled under circumstances where the safety, health, or welfare of the public is endangered, the licensee shall inform the proper authorities and employer of the situation.

## **PROFESSIONS, OCCUPATIONS, AND BUSINESS OPERATIONS (225 ILCS 330/) Illinois Professional Land Surveyor Act of 1989.**

[\(225 ILCS 330/1\) \(from Ch. 111, par. 3251\)](#)

(Section scheduled to be repealed on January 1, 2030)

Sec. 1. Declaration of public policy. The practice of land surveying in the State of Illinois is hereby declared to affect the public health, safety, and welfare and to be subject to regulation and control in the public interest. It is further declared that the determination and physical protraction of land boundaries using the appropriate application of boundary law principles, together with the attendant preparation of legal descriptions and plats, which bear witness for posterity to chronicle the acts and wishes of landowners throughout this State is a matter of public interest and concern. Therefore, it is in the public interest that the practice of land surveying, as defined in this Act, merit and receive the confidence of the public, and that only qualified persons be authorized to practice land surveying in the State of Illinois. This Act shall be liberally construed to best carry out this purpose.

(Source: P.A. 100-171, eff. 1-1-18.)



(225 ILCS 330/2) (from Ch. 111, par. 3252)

(Section scheduled to be repealed on January 1, 2030)

Sec. 2. Short title. This Act shall be known and may be cited as the Illinois Professional Land Surveyor Act of 1989.

(Source: P.A. 86-987.)

(225 ILCS 330/3) (from Ch. 111, par. 3253)

(Section scheduled to be repealed on January 1, 2030)

Sec. 3. Exceptions. This Act does not prohibit any person licensed in this State under any other Act from engaging in the practice for which that person is licensed.

(Source: P.A. 93-467, eff. 1-1-04.)

(225 ILCS 330/4) (from Ch. 111, par. 3254)

(Section scheduled to be repealed on January 1, 2030)

Sec. 4. Definitions. As used in this Act:

(a) "Department" means the Department of Financial and Professional Regulation.

(b) "Secretary" means the Secretary of Financial and Professional Regulation.

(c) "Board" means the Land Surveyors Licensing Board.

(d) "Direct supervision and control" means the personal review by a licensed professional land surveyor of each survey, including, but not limited to, procurement, research, field work, calculations, preparation of legal descriptions and plats. The personal review shall be of such a nature as to assure the client that the professional land surveyor or the firm for which the professional land surveyor is employed is the provider of the surveying services.

(e) "Responsible charge" means an individual responsible for the various components of the land survey operations subject to the overall supervision and control of the professional land surveyor.

(f) "Design professional" means a land surveyor, architect, structural engineer, or professional engineer licensed in conformance with this Act, the Illinois Architecture Practice Act of 1989, the Structural Engineering Practice Act of 1989, or the Professional Engineering Practice Act of 1989.

(g) "Professional land surveyor" means any person licensed under the laws of the State of Illinois to practice land surveying, as defined by this Act or its rules.

(h) "Surveyor intern" means any person licensed under the laws of the State of Illinois who has qualified for, taken, and passed an examination in the fundamental land surveying subjects as provided by this Act or its rules.

(i) "Land surveying experience" means those activities enumerated in Section 5 of this Act, which, when exercised in combination, to the satisfaction of the Board, is proof of an applicant's broad range of training in and exposure to the prevailing practice of land surveying.

(j) "Address of record" means the designated address recorded by the

Department in the applicant's or licensee's application file or license file maintained by the Department's licensure maintenance unit.

(k) "Standard of care" means the use of the same degree of knowledge, skill, and ability as an ordinarily careful and reasonable professional land surveyor would exercise under similar circumstances.

(l) "Establishing" means performing an original survey. An original survey establishes boundary lines within an original division of a tract of land which has theretofore existed as one unit or parcel and describing and monumenting a line or lines of a parcel or tract of land on the ground for the first time. An original surveyor is the creator of one or more new boundary lines.

(m) "Reestablishing" or "locating" means performing a retracement survey. A retracement survey tracks the footsteps of the original surveyor, locating boundary lines and corners which have been established by the original survey. A retracement survey cannot establish new corners or lines or correct errors of the original survey.

(n) "Boundary law principles" means applying the decisions, results, and findings of land boundary cases that concern the establishment of boundary lines and corners.

(o) "Email address of record" means the designated email address of record by the Department in the applicant's application file or the licensee's license file as maintained by the Department's licensure maintenance unit.

(Source: P.A. 100-171, eff. 1-1-18; 101-313, eff. 8-9-19.)

#### [\(225 ILCS 330/4.5\)](#)

(Section scheduled to be repealed on January 1, 2030)

Sec. 4.5. Address of record; email address of record. All applicants and licensees shall:

(1) provide a valid address and email address to

the Department, which shall serve as the address of record and email address of record, respectively, at the time of application for licensure or renewal of a license; and

(2) inform the Department of any change of address

of record or email address of record within 14 days after such change either through the Department's website or by contacting the Department's licensure maintenance unit.

(Source: P.A. 101-313, eff. 8-9-19.)

(225 ILCS 330/5) (from Ch. 111, par. 3255)

(Section scheduled to be repealed on January 1, 2030)

Sec. 5. Practice of land surveying defined. Any person who practices in Illinois as a professional land surveyor who renders, offers to render, or holds himself or herself out as able to render, or perform any service, the adequate performance of which involves the special knowledge of the art and application of the principles of the accurate and precise measurement of length, angle, elevation or volume, mathematics, the related physical and applied sciences, and the relevant requirements of applicable boundary law principles and performed with the appropriate standard of care, all of which are acquired by education, training, experience, and examination. Any one or a combination of the following practices constitutes the practice of land surveying:

(a) Establishing or reestablishing, locating,

defining, and making or monumenting land boundaries or title or real property lines and the platting of lands and subdivisions;

(b) Determining the area or volume of any portion of

the earth's surface, subsurface, or airspace with respect to boundary lines, determining the configuration or contours of any portion of the earth's surface, subsurface, or airspace or the location of fixed objects thereon, except as performed by photogrammetric methods by persons holding certification from the American Society of Photogrammetry and Remote Sensing or substantially similar certification as approved by the Department, or except when the level of accuracy required is less than the level of accuracy required by the National Society of Professional Surveyors Model Standards and Practice;

(c) Preparing descriptions for the determination of

title or real property rights to any portion or volume of the earth's surface, subsurface, or airspace involving the lengths and direction of boundary lines, areas, parts of platted parcels or the contours of the earth's surface, subsurface, or airspace;

(d) Labeling, designating, naming, preparing, or

otherwise identifying legal lines or land title lines of the United States Rectangular System or any subdivision thereof on any plat, map, exhibit, photograph, photographic composite, or mosaic or photogrammetric map of any portion of the earth's surface for the purpose of recording and amending the same by the issuance of a certificate of correction in the Office of Recorder in any county;

(e) Any act or combination of acts that would be

viewed as offering professional land surveying services including:

(1) setting monuments which have the appearance

of or for the express purpose of marking land boundaries, either directly or as an accessory;

(2) providing any sketch, map, plat, report,

monument record, or other document which indicates land boundaries and monuments, or accessory monuments thereto, except that if the sketch, map, plat, report, monument record, or other document is a copy of an original prepared by a professional land surveyor, and if proper reference to that fact be made on that document;

(3) performing topographic surveys, with the

exception of a licensed professional engineer knowledgeable in topographical surveys who performs a topographical survey specific to his or her design project. A licensed professional engineer may not, however, offer topographic surveying services that are independent of his or her specific design project;

(4) locating, relocating, establishing,

reestablishing, retracing, laying out, or staking of the location, alignment, or elevation of any existing or proposed improvements whose location is dependent upon property, easement, and right-of-way boundaries;

(5) providing consultation, investigation,

planning, mapping, assembling, and authoritative interpretation of gathered measurements, documents, and evidence in relation to the location of property, easement, and right-of-way boundaries; or

(6) measuring, evaluating, mapping, or

reporting the location of existing or proposed buildings, structures, or other improvements or their surrounding topography with respect to current flood insurance rate mapping or federal emergency management agency mapping along with locating of inland wetland boundaries delineated by a qualified specialist in relation to the location of property, easement, and right-of-way boundaries.

(f) Determining the horizontal or vertical position

or state plane coordinates for any monument or reference point that marks a title or real property line, boundary, or corner, or to set, reset, or replace any monument or reference point on any title or real property;

(g) Creating, preparing, or modifying electronic or

computerized data or maps, including land information systems and geographic information systems, relative to the performance of activities in items (a), (b), (d), (e), (f), and (h) of this Section, except where electronic means or computerized data is otherwise utilized to integrate, display, represent, or assess the created, prepared, or modified data;

(h) Determining or adjusting any control network or

any geodetic control network or cadastral data as it pertains to items (a) through (g) of this Section together with the assignment of measured values to any United States Rectangular System corners, title or real property corner monuments or geodetic monuments;

(i) Preparing and attesting to the accuracy of a map

or plat showing the land boundaries or lines and marks and monuments of the boundaries or of a map or plat showing the boundaries of surface, subsurface, or air rights;

(j) Executing and issuing certificates, endorsements,

reports, or plats that portray the horizontal or vertical relationship between existing physical objects or structures and one or more corners, datums, or boundaries of any portion of the earth's surface, subsurface, or airspace;

(k) Acting in direct supervision and control of land

surveying activities or acting as a manager in any place of business that solicits, performs, or practices land surveying;

(l) Boundary analysis and determination of

property, easement, or right-of-way lines on any plat submitted for regulatory review by governmental or municipal agencies;

(m) Offering or soliciting to perform any of the

services set forth in this Section.

In the performance of any of the foregoing functions, a licensee shall adhere to the standards of professional conduct enumerated in 68 Ill. Adm. Code 1270.57. Nothing contained in this Section imposes upon a person licensed under this Act the responsibility for the performance of any of the foregoing functions unless such person specifically contracts to perform such functions.  
(Source: P.A. 100-171, eff. 1-1-18; 101-313, eff. 8-9-19.)

(225 ILCS 330/6) (from Ch. 111, par. 3256)

(Section scheduled to be repealed on January 1, 2030)

Sec. 6. Powers and duties of the Department. The Department shall exercise, subject to the provisions of this Act, the following functions, powers, and duties:

(1) Authorize examinations to ascertain the fitness

and qualifications of applicants for licensure and pass upon the qualifications and fitness of applicants for licensure by endorsement.

(2) Adopt rules required for the administration of this Act.

(3) Conduct hearings on proceedings to refuse to issue or renew, revoke, or suspend licenses, or place on probation or reprimand persons or entities licensed under this Act.

(4) Adopt rules for what constitutes land surveying experience.

(5) Adopt rules defining what constitutes an approved surveying or related science curriculum.

(6) Issue licenses to those who meet the requirements of this Act.

(7) Maintain membership in the National Council of Engineering Examiners or a similar organization and participate in activities of the Council or organization by designating individuals for the various classifications of membership and appoint delegates for attendance at zone and national meetings of the Council or organization.

(8) Obtain written recommendations from the Board regarding qualification of individuals for licensing, definition of curriculum content and approval of surveying curriculums, standards of professional conduct and disciplinary actions, adopt and amend the rules affecting these matters, and consult with the Board on other matters affecting administration of this Act.

(8.5) Review application qualifications to sit for the examination or for licensure that the Board designates pursuant to Section 8.

(9) Adopt rules for a Code of Ethics and Standards of

Practice to be followed by persons licensed under this Act. The Department shall consider the recommendations of the Board in establishing the Code of Ethics and Standards of Practice.

(10) Conduct investigations related to possible violations of this Act.

(11) Post on the Department's website a newsletter describing the most recent changes to this Act and the rules adopted under this Act and containing information of any final disciplinary action that has been ordered under this Act since the date of the last newsletter.

Upon the issuance of any final decision or order that deviates from any report or recommendation of the Board relating to the qualification of applicants, discipline of licensees or registrants, or adoption of rules, the Secretary shall notify the Board on any such deviation and shall specify with particularity the reason for the action in the final decision or order.

(Source: P.A. 101-313, eff. 8-9-19.)

[\(225 ILCS 330/7\) \(from Ch. 111, par. 3257\)](#)

(Section scheduled to be repealed on January 1, 2030)

Sec. 7. Board.

(a) The Secretary shall appoint a Professional Land Surveyor Board. The Board shall consist of 7 members who shall serve in an advisory capacity to the Secretary. All members shall be residents of Illinois. Six members shall (i) currently hold a valid professional land surveyor license in Illinois and shall have held the license under this Act for the preceding 10 years, and (ii) shall not have been disciplined within the preceding 10 years under this Act. In addition to the 6 professional land surveyors, there shall be one public member. The public member shall be a voting member and shall not be licensed under this Act or any other design profession licensing Act that the Department administers.

(b) Board members shall serve for 5-year terms and until their successors are qualified and appointed.

(c) In appointing members to the Board, the Secretary shall give due consideration to recommendations by members and organizations of the professional land surveyor profession.

(d) The membership of the Board should reasonably reflect representation from the geographic areas in this State.

(e) No member shall be reappointed to the Board for a term that would cause his or her continuous service on the Board to be longer than 2 consecutive 5-year terms.

(f) Appointments to fill vacancies shall be made in the same manner as original appointments for the unexpired portion of the vacated term.

(g) Four members shall constitute a quorum. A quorum is required for Board decisions.

(h) The Secretary may remove any member of the Board for misconduct, incompetence, or neglect of duty or for reasons prescribed by law for removal of State officials. The Secretary may remove a member of the Board who does not attend 2 consecutive meetings.

(i) Notice of proposed rulemaking shall be transmitted to the Board and the Department shall review the response of the Board and any recommendations made therein.

(j) Members of the Board shall not be liable for damages in any action or proceeding as a result of activities performed as members of the Board, except upon proof of actual malice.

(k) Members of the Board shall be reimbursed for all legitimate, necessary, and authorized expenses.

(Source: P.A. 101-313, eff. 8-9-19.)

[\(225 ILCS 330/8\) \(from Ch. 111, par. 3258\)](#)

(Section scheduled to be repealed on January 1, 2030)

Sec. 8. Powers and duties of the Board. Subject to the provisions of this Act, the Board shall exercise the following functions, powers, and duties:

(a) The Board shall hold at least 3 regular meetings

each year.

(b) The Board shall annually elect a chairperson and a vice chairperson who shall be Illinois licensed professional land surveyors.

(c) The Board, upon request by the Department, may make a curriculum evaluation to approve a land surveying degree or a related science degree and submit to the Secretary a written recommendation of acceptability of a curriculum.

(d) (Blank).

(e) The Department may at any time seek the expert advice and knowledge of the Board on any matter relating to the enforcement of this Act.

(f) The Board may appoint a subcommittee to serve as a Complaint Committee to recommend the disposition of case files according to procedures established by rule.

(g) The Board shall assist the Department in



conducting oral interviews, disciplinary conferences, informal conferences, and formal evidentiary hearings.

(h) The Board shall review applicant qualifications

to sit for the examination for licensure and shall make recommendations to the Department except for those applicant qualifications that the Board designates as routinely acceptable.

(Source: P.A. 100-171, eff. 1-1-18; 101-313, eff. 8-9-19.)

[\(225 ILCS 330/9\)](#)

Sec. 9. (Repealed).

(Source: P.A. 96-626, eff. 8-24-09. Repealed by P.A. 101-313, eff. 8-9-19.)

[\(225 ILCS 330/10\) \(from Ch. 111, par. 3260\)](#)

(Section scheduled to be repealed on January 1, 2030)

Sec. 10. Application for licensure.

(a) Applications for original licenses shall be made to the Department in writing on forms or electronically as prescribed by the Department and shall be accompanied by the required fee, which shall not be refundable. All applications shall contain information that, in the judgment of the Department, will enable the Department to pass on the qualifications of the applicant for a license as a professional land surveyor or surveyor intern. The Department may require an applicant, at the applicant's expense, to have an evaluation of the applicant's education in a foreign country by a nationally recognized evaluation service approved by the Department in accordance with rules adopted by the Department.

(b) Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 101-313, eff. 8-9-19.)

[\(225 ILCS 330/10.5\)](#)

(Section scheduled to be repealed on January 1, 2030)

Sec. 10.5. Social Security Number on license application. In addition to any other information required to be contained in the application, every application for an original license under this Act shall include the applicant's Social Security Number, which shall be retained in the agency's records pertaining to the license. As soon as practical, the Department shall assign a customer's identification number to each applicant for a license.

Every application for a renewal or restored license shall require the applicant's customer identification number.

(Source: P.A. 97-400, eff. 1-1-12.)

(225 ILCS 330/11) (from Ch. 111, par. 3261)

(Section scheduled to be repealed on January 1, 2030)

Sec. 11. Examination.

(a) The Department shall authorize examinations of applicants for a license under this Act at such times and places as it may determine by rule. The examinations shall be of a character to give a fair test of the qualifications of the applicant to practice as a professional land surveyor or surveyor intern.

(b) Applicants for examination are required to pay, either to the Department or the designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

(c) If an applicant fails to pass an examination for licensure under this Act within 3 years after filing the application, the application shall be denied. However, such applicant may thereafter make a new application for examination accompanied by the required fee and must furnish proof of meeting the qualifications for examination in effect at the time of new application.

(d) All applicants for licensing as a professional land surveyor shall be required to pass a jurisdictional examination to determine the applicant's knowledge of the surveying tasks unique to the State of Illinois and the laws relating thereto.

(Source: P.A. 100-171, eff. 1-1-18; 101-313, eff. 8-9-19.)

(225 ILCS 330/12) (from Ch. 111, par. 3262)

(Section scheduled to be repealed on January 1, 2030)

Sec. 12. Qualifications for licensing.

(a) A person is qualified to receive a license as a professional land surveyor and the Department shall issue a license to a person:

(1) who has applied in writing in the required form

to the Department or electronically;

(2) who has not violated any provision of this Act or

its rules;

(3) who is of good ethical character, including

compliance with the Code of Ethics and Standards of Practice adopted by rule under this Act, and has not committed an act or offense in any jurisdiction that would constitute grounds for discipline of a land surveyor licensed under this Act;

(4) who has been issued a license as a surveyor

intern;

(5) who, subsequent to passing the examination

authorized by the Department for licensure as a surveyor intern, has at least 4 years of responsible charge experience verified by a professional land surveyor in direct supervision and control of his or her activities;

(6) who has passed an examination authorized by the

Department to determine his or her fitness to receive a license as a professional land surveyor; and

(7) who satisfies one of the following educational requirements:

(A) is a graduate of an approved land surveying

curriculum of at least 4 years who has passed an examination in the fundamentals of surveying, as defined by rule; or

(B) is a graduate of a baccalaureate curriculum

of at least 4 years, including at least 24 semester hours of land surveying courses from an approved land surveying curriculum and the related science courses, who has passed an examination in the fundamentals of surveying, as defined by rule.

(b) A person is qualified to receive a license as a surveyor intern and the Department shall issue a license to a person:

(1) who has applied in writing in the required form

provided by the Department or electronically;

(2) (blank);

(3) who is of good moral character;

(4) who has the required education as set forth in

this Act; and

(5) who has passed an examination authorized by the

Department to determine his or her fitness to receive a license as a surveyor intern in accordance with this Act.

In determining moral character under this Section, the Department may take into consideration whether the applicant has engaged in conduct or actions that would constitute grounds for discipline under this Act.

(Source: P.A. 100-171, eff. 1-1-18; 101-313, eff. 8-9-19.)

(225 ILCS 330/13) (from Ch. 111, par. 3263)

(Section scheduled to be repealed on January 1, 2030)

Sec. 13. Minimum standards for enrollment as a surveyor intern. To enroll as a surveyor intern, an applicant must be:

(1) a graduate of an approved land surveying

curriculum of at least 4 years who has passed an examination in the fundamentals of surveying, as defined by rule;

(2) an applicant in the last year of an approved

land surveying or related science curriculum who passes an examination in the fundamentals of surveying, as defined by rule, and furnishes proof that the applicant graduated within a 12-month period following the examination; or

(3) a graduate of a baccalaureate curriculum of at

least 4 years, including at least 24 semester hours of land surveying courses from an approved land surveying curriculum and the related science courses, as defined by rule, who passes an examination in the fundamentals of surveying, as defined by rule.

(Source: P.A. 100-171, eff. 1-1-18; 100-863, eff. 8-14-18; 101-313, eff. 8-9-19.)

(225 ILCS 330/14) (from Ch. 111, par. 3264)

(Section scheduled to be repealed on January 1, 2030)

Sec. 14. Display of license. Every holder of a license under this Act shall display the license in a conspicuous place in his or her office, place of business, or place of employment.

(Source: P.A. 100-171, eff. 1-1-18; 101-313, eff. 8-9-19.)

(225 ILCS 330/15) (from Ch. 111, par. 3265)

(Section scheduled to be repealed on January 1, 2030)

Sec. 15. Seal. Every professional land surveyor shall have a reproducible seal, which may be computer generated, the impression of which shall contain the name of the land surveyor, his or her place of business, the license number of the professional land surveyor, and the words "Professional Land Surveyor, State of Illinois". A professional land surveyor shall seal all documents prepared by or under the direct supervision and control of the professional land surveyor. Any seal authorized or approved by the Department under the Illinois Land Surveyors Act shall serve the same purpose as the seal provided for by this Act. The licensee's written signature and date of signing along with the date of license expiration shall be placed adjacent to the seal. The licensee may provide, at his or her sole discretion, an original signature in the licensee's handwriting, a scanned copy of the document bearing an original signature, or a signature generated by a computer.

It is unlawful to affix one's seal to documents if it masks the true identity of the person who actually exercised direction, control, and supervision of the preparation of that work. A professional land surveyor who seals and signs documents is not responsible for damage caused by subsequent changes to or uses of those documents where the subsequent changes or uses, including changes or uses made by State or local governmental agencies, are not authorized or approved by the professional land surveyor who originally sealed and signed the documents. (Source: P.A. 101-313, eff. 8-9-19.)

[\(225 ILCS 330/15.5\)](#)

(Section scheduled to be repealed on January 1, 2030)

Sec. 15.5. Titles.

(a) A professional land surveyor may use the initials "P.L.S." and "L.S." and the title of "Professional Land Surveyor" or any of its derivations in Illinois.

(b) A surveyor intern may use the initials "S.I." and the title of "Surveyor Intern" or any of its derivations in Illinois.

(Source: P.A. 101-313, eff. 8-9-19.)

[\(225 ILCS 330/16\) \(from Ch. 111, par. 3266\)](#)

(Section scheduled to be repealed on January 1, 2030)

Sec. 16. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds himself or herself out to practice as a professional land surveyor or surveyor intern without being licensed or exempt under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed \$10,000 for each offense, as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with this Act regarding the provision of a hearing for the discipline of a licensee.

(b) A firm or business that offers design services under this Act without being licensed as a professional design firm or exempt under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed \$10,000 for each offense, as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with this Act regarding the provision of a hearing for the discipline of a licensee.

(c) The Department may investigate any actual, alleged, or suspected unlicensed activity.

(d) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a final judgment and may be filed and executed in the same manner as any judgment from any court of record.

(e) A person or entity not registered under this Act who has violated any provision of this Act or its rules is guilty of a Class A misdemeanor for the first

offense and a Class 4 felony for a second and subsequent offense.  
(Source: P.A. 100-171, eff. 1-1-18; 101-313, eff. 8-9-19.)

[\(225 ILCS 330/16.5\)](#)

Sec. 16.5. (Repealed).  
(Source: P.A. 100-171, eff. 1-1-18. Repealed by P.A. 101-313, eff. 8-9-19.)

[\(225 ILCS 330/17\) \(from Ch. 111, par. 3267\)](#)

(Section scheduled to be repealed on January 1, 2030)  
Sec. 17. Surveyor intern; supervision. It is unlawful for any surveyor intern licensed under this Act to practice or attempt to practice land surveying except when in responsible charge under the overall supervision of a professional land surveyor.  
(Source: P.A. 100-171, eff. 1-1-18; 101-313, eff. 8-9-19.)

[\(225 ILCS 330/18\) \(from Ch. 111, par. 3268\)](#)

(Section scheduled to be repealed on January 1, 2030)  
Sec. 18. Renewal, reinstatement, or restoration of license; persons in military service.

(a) The expiration date and renewal period for each license as a professional land surveyor issued under this Act shall be set by rule. The holder of a license may renew such license during the month preceding the expiration date by paying the required fee.

(b) A professional land surveyor who has permitted his or her license to expire or has had his or her license placed on inactive status may have his or her license restored by making application to the Department and filing proof acceptable to the Department of his or her fitness to have his or her license restored, including, but not limited to, sworn evidence certifying to active practice in another jurisdiction satisfactory to the Department and by paying the required fee as determined by rule.

(c) A professional land surveyor whose license has expired while engaged (1) in federal service on active duty with the Armed Forces of the United States or the State Militia called into service or training, or (2) in training or education under the supervision of the United States before induction into the military service, may have the license restored or reinstated without paying any lapsed reinstatement, renewal, or restoration fees if within 2 years after termination other than by dishonorable discharge of such service, training, or education the Department is furnished with satisfactory evidence that the licensee has been so engaged in the practice of land surveying and that such service, training, or education has so terminated.

(d) A license for a surveyor intern does not expire.  
(Source: P.A. 100-171, eff. 1-1-18; 101-313, eff. 8-9-19.)

[\(225 ILCS 330/18.5\)](#)

(Section scheduled to be repealed on January 1, 2030)

Sec. 18.5. Continuing education. The Department may adopt rules of continuing education for persons licensed under this Act. The Department shall consider the recommendations of the Board in establishing the guidelines for the continuing education requirements. The requirements of this Section apply to any person seeking renewal or restoration under Section 18 of this Act. For the purposes of this Act, continuing education shall also be known as professional development.

(Source: P.A. 101-313, eff. 8-9-19.)

[\(225 ILCS 330/19\) \(from Ch. 111, par. 3269\)](#)

(Section scheduled to be repealed on January 1, 2030)

Sec. 19. Inactive status. Any person who notifies the Department, in writing on forms prescribed by the Department, may place his or her license on inactive status and shall be excused from the payment of renewal fees until he or she notifies the Department in writing of the intention to resume active status.

Any professional land surveyor whose license is in inactive status shall not practice land surveying in the State of Illinois.

(Source: P.A. 101-313, eff. 8-9-19.)

[\(225 ILCS 330/19.5\)](#)

(Section scheduled to be repealed on January 1, 2030)

Sec. 19.5. Professional Land Surveyor, Retired.

(a) Pursuant to Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois, the Department may grant the title "Professional Land Surveyor, Retired", which may be used by any person who has been duly licensed as a professional land surveyor under this Act and who has chosen to place his or her license on inactive status or not renew his or her license. Those persons granted the title "Professional Land Surveyor, Retired" may request restoration to active status under the applicable provisions of this Act.

(b) The use of the title "Professional Land Surveyor, Retired" shall not constitute representation of current licensure. Any person without an active license shall not be permitted to practice professional land surveying as defined in this Act.

(c) Nothing in this Section shall be construed to require the Department to issue any certificate, credential, or other official document indicating that a person has been granted the title "Professional Land Surveyor, Retired".

(Source: P.A. 101-313, eff. 8-9-19.)

[\(225 ILCS 330/20\) \(from Ch. 111, par. 3270\)](#)

(Section scheduled to be repealed on January 1, 2030)

Sec. 20. Endorsement.

(a) The Department may, upon application in writing on forms or electronically accompanied by the required fee, issue a license as a professional land surveyor to

an applicant licensed under the laws of another state, the District of Columbia, or a U.S. territory if the requirements for licensure in that jurisdiction were, on the date of original licensure, substantially equivalent to the requirements then in force in this State.

(b) All applicants for endorsement shall pass a jurisdictional examination to determine the applicant's knowledge of the surveying tasks unique to the State of Illinois and the laws pertaining thereto.

(c) If the accuracy of any submitted documentation or relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of a lack of information, discrepancies, or conflicts in information given or a need for clarification, the applicant seeking licensure may be required to provide additional information.

(d) Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 101-313, eff. 8-9-19.)

[\(225 ILCS 330/21\)](#) (from Ch. 111, par. 3271)

(Section scheduled to be repealed on January 1, 2030)

Sec. 21. Fees.

(a) The Department shall provide by rule for a schedule of fees to be paid for licenses by all applicants. All fees are not refundable.

(b) The fees for the administration and enforcement of this Act, including, but not limited to, original licensure, renewal, and restoration, shall be set by rule by the Department.

(c) All fees and fines collected as authorized under this Act shall be deposited into the Design Professionals Administration and Investigation Fund. Of the moneys deposited into the Design Professionals Administration and Investigation Fund, the Department may use such funds as necessary to produce and distribute newsletters to persons licensed under this Act.

(Source: P.A. 101-313, eff. 8-9-19.)

[\(225 ILCS 330/22\)](#)

Sec. 22. (Repealed).

(Source: P.A. 86-987. Repealed by P.A. 101-313, eff. 8-9-19.)

[\(225 ILCS 330/23\)](#)

Sec. 23. (Repealed).

(Source: P.A. 100-171, eff. 1-1-18. Repealed by P.A. 101-313, eff. 8-9-19.)



(225 ILCS 330/24) (from Ch. 111, par. 3274)

(Section scheduled to be repealed on January 1, 2030)

Sec. 24. Advertising. Any person licensed under this Act may advertise the availability of professional services in the public media or on the premises where such professional services are rendered, as permitted by law; provided, that such advertising is truthful and not misleading.

(Source: P.A. 86-987.)

(225 ILCS 330/25) (from Ch. 111, par. 3275)

(Section scheduled to be repealed on January 1, 2030)

Sec. 25. Professional design firm registration.

(a) Nothing in this Act shall prohibit the formation, under the provisions of the Professional Service Corporation Act, of a corporation to offer the practice of professional land surveying.

Any business, including a professional service corporation, that includes within its stated purposes or practices, or holds itself out as available to practice, professional land surveying shall be registered with the Department pursuant to the provisions set forth in this Section.

Any sole proprietorship not owned and operated by an Illinois licensed design professional licensed under this Act shall be prohibited from offering professional land surveyor services to the public. Any sole proprietorship owned and operated by a professional land surveyor with an active license issued under this Act and conducting or transacting such business under an assumed name in accordance with the provisions of the Assumed Business Name Act shall comply with the registration requirements of a professional design firm. Any sole proprietorship owned and operated by a professional land surveyor with an active license issued under this Act and conducting or transacting such business under the real name of the sole proprietor is exempt from the registration requirements of a professional design firm. "Illinois licensed design professional" means a person who holds an active license as a professional engineer under the Professional Engineering Practice Act of 1989, as an architect under the Illinois Architecture Practice Act of 1989, as a structural engineer under the Structural Engineering Practice Act of 1989, or as a professional land surveyor under this Act.

(b) Any professional design firm seeking to be registered pursuant to the provisions of this Section shall not be registered unless one or more managing agents in charge of land surveyor activities in this State are designated by the professional design firm. Each managing agent must at all times maintain a valid, active license to practice professional land surveying in Illinois.

No individual whose license to practice professional land surveying in this State is currently in a suspended or revoked state shall act as a managing agent for a professional design firm.

(c) Any business seeking to be registered under this Section shall make

application on a form provided by the Department and shall provide such information as requested by the Department, which shall include, but not be limited to:

(1) the name and license number of the person

designated as the managing agent in responsible charge of the practice of professional land surveying in Illinois. In the case of a corporation, the corporation shall also submit a certified copy of the resolution by the board of directors designating the managing agent. In the case of a limited liability company, the company shall submit a certified copy of either its articles of organization or operating agreement designating the managing agent;

(2) the names and license numbers of the directors,

in the case of a corporation, the members, in the case of a limited liability company, or general partners, in the case of a partnership;

(3) a list of all office locations at which the

professional design firm provides professional land surveying services to the public; and

(4) a list of all assumed names of the business.

Nothing in this Section shall be construed to exempt a professional design firm, sole proprietorship, or professional service corporation from compliance with the requirements of the Assumed Business Name Act.

It is the responsibility of the professional design firm to provide the Department notice, in writing, of any changes in the information requested on the application.

(d) The Department shall issue to each business a certificate of registration to practice professional land surveying or offer the services of its licensees in this State upon submittal of a proper application for registration and payment of fees. The expiration date and renewal period for each registration and renewal procedures shall be established by rule.

(e) In the event a managing agent is terminated or terminates his or her status as managing agent of the professional design firm, the managing agent and the professional design firm shall notify the Department of this fact in writing, by regular mail or email, within 10 business days of such termination. Thereafter, the professional design firm, if it has so informed the Department, shall have 30 days in which to notify the Department of the name and licensure number of a newly designated managing agent. If a corporation, the corporation shall also submit a certified copy of a resolution by the board of directors designating the new managing agent. If a limited liability company, the company shall also submit a certified copy of either its articles of organization or operating agreement designating the new managing agent. The Department may, upon good cause

shown, extend the original 30-day period.

If the professional design firm has not notified the Department in writing, by regular mail or email within the specified time, the registration shall be terminated without prior hearing. Notification of termination shall be sent by regular mail or email to the address of record of the business. If the professional design firm continues to operate and offer professional land surveyor services after the termination, the Department may seek prosecution under Sections 16 and 27 of this Act for the unlicensed practice of professional land surveying.

No professional design firm shall be relieved of responsibility for the conduct or acts of its agent, employees, members, managers, or officers by reason of its compliance with this Section, nor shall any individual practicing professional land surveying be relieved of the responsibility for professional services performed by reason of the individual's employment or relationship with a professional design firm registered under this Section.

(g) Disciplinary action against a professional design firm registered under this Section shall be administered in the same manner and on the same grounds as disciplinary action against a licensed professional land surveyor. All disciplinary action taken or pending against a corporation or partnership before the effective date of this amendatory Act of 1999 shall be continued or remain in effect without the Department filing separate actions.

(h) Any professional services corporation, sole proprietorship, or professional design firm offering land surveying services must have a resident professional land surveyor whose license is not suspended or revoked overseeing the land surveying practices in each location in which land surveying services are provided.

(Source: P.A. 101-313, eff. 8-9-19.)

[\(225 ILCS 330/26\) \(from Ch. 111, par. 3276\)](#)

Sec. 26. (Repealed).

(Source: Repealed by P.A. 88-428.)

[\(225 ILCS 330/27\) \(from Ch. 111, par. 3277\)](#)

(Section scheduled to be repealed on January 1, 2030)

Sec. 27. Grounds for disciplinary action.

(a) The Department may refuse to issue or renew a license, or may revoke, suspend, place on probation, reprimand, or take other disciplinary or non-disciplinary action as the Department may deem proper, including fines not to exceed \$10,000 per violation, with regard to any license issued under this Act, for any one or a combination of the following reasons:

(1) Material misstatement in furnishing information

to the Department.

(2) Negligence, incompetence, or misconduct in the

practice of land surveying.

(3) Failure to comply with any provision of this Act

or any of its rules.

(4) Fraud or any misrepresentation in applying for or

procuring a license under this Act or in connection with applying for renewal or restoration of a license under this Act.

(5) Purposefully making false statements or signing

false statements, certificates, or affidavits to induce payment.

(6) Conviction of or entry of a plea of guilty or

nolo contendere, finding of guilt, jury verdict, or entry of judgment or sentencing, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation under the laws of any jurisdiction of the United States that is (i) a felony or (ii) a misdemeanor, an essential element of which is dishonesty, that is directly related to the practice of the profession of land surveying.

(7) Aiding or assisting another person in violating

any provision of this Act or its rules.

(8) Failing to provide information in response to a

written request made by the Department within 60 days after receipt of such written request.

(9) Engaging in dishonorable, unethical, or

unprofessional conduct of a character likely to deceive, defraud, or harm the public.

(10) Habitual or excessive use or abuse of drugs

defined in law as controlled substances, of alcohol, narcotics, stimulants, or any other substances that results in the inability to practice with reasonable judgment, skill, or safety.

(11) A finding by the Department that an applicant or

licensee has failed to pay a fine imposed by the Department.

(12) A finding by the Department that the licensee,

after having his or her license placed on probationary status, has violated the terms of probation or failed to comply with such terms.

(13) Inability to practice the profession with

reasonable judgment, skill, or safety as a result of physical illness, including, but not limited to, deterioration through the aging process, loss of motor skill, mental illness, or disability.

(14) Discipline by another state, territory, foreign

country, the District of Columbia, the United States government, or any other government agency if at least one of the grounds for discipline is the same or substantially equivalent to those set forth in this Act.

(15) The making of any willfully false oath or

affirmation in any matter or proceeding where an oath or affirmation is required by this Act.

(16) Using or attempting to use an expired, inactive,

suspended, or revoked license or the certificate or seal of another or impersonating another licensee.

(17) Directly or indirectly giving to or receiving

from any person or entity any fee, commission, rebate, or other form of compensation for any professional service not actually or personally rendered.

(18) Issuing a map or plat of a survey where the fee

for professional services is contingent on a real estate transaction closing.

(19) Signing or affixing the professional land

surveyor's seal or permitting the seal to be affixed to any map or plat of a survey not prepared by the professional land surveyor or under the professional land surveyor's direct supervision and control.

(20) Failure to adequately supervise or control land

surveying operations being performed by subordinates.

(a-5) In enforcing this Section, the Department or Board, upon a showing of a possible violation, may compel a person licensed to practice under this Act, or who has applied for licensure or certification pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The Department or Board may order the examining physician to present testimony concerning the mental or physical examination of the licensee or

applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Board or Department. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of an individual to submit to a mental or physical examination when directed shall be grounds for the immediate suspension of his or her license until the individual submits to the examination if the Department finds that the refusal to submit to the examination was without reasonable cause as defined by rule.

If the Secretary immediately suspends the license of a licensee for his or her failure to submit to a mental or physical examination when directed, a hearing must be convened by the Department within 15 days after the suspension and completed without appreciable delay.

If the Secretary otherwise suspends a person's license pursuant to the results of a compelled mental or physical examination, a hearing on that person's license must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department and Board shall have the authority to review the subject individual's record of treatment and counseling regarding impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

Any licensee suspended under this subsection (a-5) shall be afforded an opportunity to demonstrate to the Department or Board that he or she can resume practice in compliance with the acceptable and prevailing standards under the provisions of his or her license.

(b) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code operates as an automatic license suspension. Such suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission and the issuance of an order so finding and discharging the patient and upon the recommendation of the Board to the Secretary that the licensee be allowed to resume his or her practice.

(c) (Blank).

(d) If the Department of Healthcare and Family Services (formerly the Department of Public Aid) has previously determined that a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department, the Department shall refuse to issue or renew or shall revoke or suspend that person's license or shall take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services in accordance with subdivision (a)(5) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(e) The Department shall refuse to issue or renew or shall revoke or suspend a person's license or shall take other disciplinary action against that person for his or her failure to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest as required by any tax Act administered by the Department of Revenue, until such time as the requirements of the tax Act are satisfied in accordance with subsection (g) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(Source: P.A. 100-872, eff. 8-14-18; 101-313, eff. 8-9-19.)

[\(225 ILCS 330/28\) \(from Ch. 111, par. 3278\)](#)

(Section scheduled to be repealed on January 1, 2030)

Sec. 28. Injunction; cease and desist order.

(a) If any person or entity violates this Act, the Secretary, in the name of the People of the State of Illinois, through the Attorney General or the State's Attorney of the county in which the violation is alleged to have occurred may petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition, the court with appropriate jurisdiction may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section are in addition to and not in lieu of any other remedies and penalties provided by this Act.

(b) Whenever, in the opinion of the Department, a person or entity violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against that person or entity. The rule shall clearly set forth the grounds relied upon by the Department and shall allow at least 7 days from the date of the rule to file an answer satisfactory to the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued.

(Source: P.A. 101-313, eff. 8-9-19.)

[\(225 ILCS 330/29\) \(from Ch. 111, par. 3279\)](#)

(Section scheduled to be repealed on January 1, 2030)

Sec. 29. Investigations; notice and hearing.

(a) The Department may investigate the actions of any applicant or of any person or entity holding or claiming to hold a license under this Act.

(b) Before the initiation of a formal complaint, the matter shall be reviewed by a subcommittee of the Board according to procedures established by rule for the Complaint Committee. If a subcommittee has not been formed, the matter shall proceed through the process as stated in subsection (c).

(c) The Department shall, before disciplining an applicant or licensee, at least 30 days prior to the date set for the hearing, (i) notify the applicant or licensee in

writing of the charges made and the time and place for the hearing on the charges, (ii) direct the applicant or licensee to file a written answer to the charges under oath within 20 days after the service of the notice, and (iii) inform the applicant or licensee that failure to file a written answer to the charges will result in a default being entered against the applicant or licensee.

(d) Written or electronic notice, and any notice in the subsequent proceeding, may be served by personal delivery, by email, or by mail to the applicant or licensee at his or her address of record or email address of record.

(e) At the time and place fixed in the notice, the Board or hearing officer appointed by the Secretary shall proceed to hear the charges and the parties and their counsel shall be accorded ample opportunity to present any statement, testimony, evidence, and argument as may be pertinent to the charges or to the applicant's or licensee's defense. The Board or hearing officer may continue the hearing from time to time.

(f) In case the licensee or applicant, after receiving the notice, fails to file an answer, the license may, in the discretion of the Secretary, having first received the recommendation of the Board, be suspended, revoked, or placed on probationary status, or be subject to whatever disciplinary action the Secretary considers proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act.

(g) Persons who assist the Department as consultants or expert witnesses in the investigation or prosecution of alleged violations of the Act, licensure matters, restoration proceedings, or criminal prosecutions, are not liable for damages in any civil action or proceeding as a result of their assistance, except upon proof of actual malice. The Attorney General shall defend these persons in any such action or proceeding.

(Source: P.A. 101-313, eff. 8-9-19.)

[\(225 ILCS 330/30\) \(from Ch. 111, par. 3280\)](#)

(Section scheduled to be repealed on January 1, 2030)

Sec. 30. Record of proceedings.

(a) The Department, at its expense, shall provide a certified shorthand reporter to take down the testimony and preserve a record of all proceedings at the hearing of any case where a license may be revoked, suspended, placed on probationary status, reprimanded, fined, or subjected to other disciplinary action with reference to the license when a disciplinary action is authorized under this Act and its rules. The notice of hearing, complaint, and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board, and the orders of the Department shall be the record of the proceedings. The record may be made available to any person interested in the hearing upon payment of the fee required by Section 2105-115 of the Department



of Professional Regulation Law of the Civil Administrative Code of Illinois.

(b) The Department may contract for court reporting services, and, if it does so, the Department shall provide the name and contact information for the certified shorthand reporter who transcribed the testimony at a hearing to any person interested, who may obtain a copy of the transcript of any proceedings at a hearing upon payment of the fee specified by the certified shorthand reporter.

(Source: P.A. 101-313, eff. 8-9-19.)

[\(225 ILCS 330/31\) \(from Ch. 111, par. 3281\)](#)

(Section scheduled to be repealed on January 1, 2030)

Sec. 31. Subpoenas, depositions, oaths.

(a) The Department has the power to subpoena documents, books, records, or other materials and to bring before it any person and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as is prescribed in civil cases in the courts of this State.

(b) The Secretary, the designated hearing officer, and every member of the Board has the power to administer oaths to witnesses at any hearing that the Department is authorized to conduct and any other oaths authorized in any Act administered by the Department.

(Source: P.A. 101-313, eff. 8-9-19.)

[\(225 ILCS 330/32\) \(from Ch. 111, par. 3282\)](#)

(Section scheduled to be repealed on January 1, 2030)

Sec. 32. Compelling testimony. Any circuit court may, upon application of the Department or designee or of the applicant or licensee against whom proceedings under this Act are pending, enter an order requiring the attendance of witnesses and their testimony, and the production of documents, papers, files, books, and records in connection with any hearing or investigation. The court may compel obedience to its order by proceedings for contempt.

(Source: P.A. 86-987.)

[\(225 ILCS 330/33\) \(from Ch. 111, par. 3283\)](#)

(Section scheduled to be repealed on January 1, 2030)

Sec. 33. Hearing; motion for rehearing.

(a) The Board or hearing officer appointed by the Secretary shall hear evidence in support of the formal charges and evidence produced by the licensee. At the conclusion of the hearing, the Board or hearing officer shall present to the Secretary a written report of its findings of fact, conclusions of law, and recommendations. If the Board fails to present its report, the applicant or licensee may request in writing a direct appeal to the Secretary, in which case the Secretary may issue an order based upon the report of the hearing officer and the record of the proceedings or issue an order remanding the matter back to the hearing officer for additional proceedings in accordance with the order.

(b) At the conclusion of the hearing, a copy of the Board's or hearing officer's report shall be served upon the applicant or licensee, either personally or as provided in this Act for the service of the notice of hearing. Within 20 calendar days after such service, the applicant or licensee may present to the Department a motion, in writing, for a rehearing that shall specify the particular grounds for rehearing. The Department may respond to the motion for rehearing within 20 calendar days after its service on the Department. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or upon denial of a motion for rehearing, the Secretary may enter an order in accordance with the recommendations of the Board or hearing officer. If the applicant or licensee orders from the reporting service and pays for a transcript of the record within the time for filing a motion for rehearing, the 20 calendar day period within which a motion may be filed shall commence upon delivery of the transcript to the applicant or licensee.

(c) If the Secretary disagrees in any regard with the report of the Board, the Secretary may issue an order contrary to the report. The Secretary shall notify the Board of any such deviation and shall specify with particularity the reasons for such action in the final order.

(d) Whenever the Secretary is not satisfied that substantial justice has been done, the Secretary may order a hearing by the same or another hearing officer.

(e) At any point in any investigation or disciplinary proceeding provided for in this Act, both parties may agree to a negotiated consent order. The consent order shall be final upon signature of the Secretary.

(Source: P.A. 101-313, eff. 8-9-19.)

[\(225 ILCS 330/34\)](#)

Sec. 34. (Repealed).

(Source: P.A. 96-626, eff. 8-24-09. Repealed by P.A. 101-313, eff. 8-9-19.)

[\(225 ILCS 330/35\)](#)

Sec. 35. (Repealed).

(Source: P.A. 96-626, eff. 8-24-09. Repealed by P.A. 101-313, eff. 8-9-19.)

[\(225 ILCS 330/36\) \(from Ch. 111, par. 3286\)](#)

(Section scheduled to be repealed on January 1, 2030)

Sec. 36. Hearing officer. Notwithstanding any provision in this Act, the Secretary has the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue or renew a license or discipline a licensee. The Board may have at least one member present at any hearing conducted by the hearing officer. The hearing officer has full authority to conduct the hearing. The hearing officer shall report his or her findings of fact, conclusions of law, and recommendations to the Board and to the Secretary. If the Secretary disagrees in any regard with the report of the Board or hearing officer, he

or she may issue an order in contravention thereof. The Secretary shall notify the Board on any such deviation and shall specify with particularity the reasons for such action in the final order.

(Source: P.A. 101-313, eff. 8-9-19.)

[\(225 ILCS 330/36.1\) \(from Ch. 111, par. 3286.1\)](#)

(Section scheduled to be repealed on January 1, 2030)

Sec. 36.1. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Secretary may waive the fines due under this Section in individual cases where the Secretary finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 96-626, eff. 8-24-09.)

[\(225 ILCS 330/37\) \(from Ch. 111, par. 3287\)](#)

(Section scheduled to be repealed on January 1, 2030)

Sec. 37. Order or certified copy; prima facie proof. An order or certified copy thereof, over the seal of the Department and purporting to be signed by the Secretary, shall be prima facie proof that:

(a) the signature is the genuine signature of the

Secretary;

(b) the Secretary is duly appointed and qualified; and

(c) the Board and the members thereof are qualified

to act.

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 330/38) (from Ch. 111, par. 3288)

(Section scheduled to be repealed on January 1, 2030)

Sec. 38. Restoration from disciplinary status.

(a) At any time after the successful completion of a term of probation, suspension, or revocation of any license under this Act, the Department may restore the license to the licensee upon the written recommendation of the Board, unless after an investigation and a hearing the Department determines that restoration is not in the public interest.

(b) Where circumstances of suspension or revocation so indicate, the Department may require an examination of the licensee before restoring his or her license.

(c) No person whose license has been revoked as authorized in this Act may apply for restoration of that license until such time as provided for in the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(d) A license that has been suspended or revoked shall be considered nonrenewed for purposes of restoration and a licensee restoring his or her license from suspension or revocation must comply with the requirements for restoration as set forth in Section 18 and any related rules adopted.

(Source: P.A. 101-313, eff. 8-9-19.)

(225 ILCS 330/39) (from Ch. 111, par. 3289)

(Section scheduled to be repealed on January 1, 2030)

Sec. 39. Surrender of license. Upon the revocation or suspension of any license, the licensee shall immediately surrender the license or licenses to the Department and if the licensee fails to do so, the Department has the right to seize the license.

(Source: P.A. 86-987.)

(225 ILCS 330/40) (from Ch. 111, par. 3290)

(Section scheduled to be repealed on January 1, 2030)

Sec. 40. Temporary suspension of a license. The Secretary may temporarily suspend the license of a professional land surveyor or surveyor intern without a hearing, simultaneously with the institution of proceedings for a hearing under Section 29, if the Secretary finds that evidence in his or her possession indicates that a professional land surveyor's or surveyor intern's continuation in practice would constitute an imminent danger to the public. If the Secretary temporarily suspends the license of a professional land surveyor or surveyor intern without a hearing, a hearing by the Board must be commenced within 30 days after such suspension has occurred.

(Source: P.A. 100-171, eff. 1-1-18; 101-313, eff. 8-9-19.)

(225 ILCS 330/41) (from Ch. 111, par. 3291)

(Section scheduled to be repealed on January 1, 2030)

Sec. 41. Administrative review.

(a) All final administrative decisions of the Department under this Act are subject to judicial review pursuant to the Administrative Review Law and its rules. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(b) Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides, but if the party is not a resident of this State, the venue shall be in Sangamon County.

(c) The Department shall not be required to certify any record to the court or file any answer in court or to otherwise appear in any court in a judicial review proceeding unless and until the Department has received from the plaintiff payment of the costs of furnishing and certifying the record, which costs shall be determined by the Department.

(d) Failure on the part of the plaintiff to file a receipt in court shall be grounds for dismissal of the action.

(e) During the pendency and hearing of any and all judicial proceedings incident to a disciplinary action the sanctions imposed upon the plaintiff by the Department shall remain in full force and effect.

(Source: P.A. 101-313, eff. 8-9-19.)

(225 ILCS 330/42)

Sec. 42. (Repealed).

(Source: P.A. 87-1031. Repealed by P.A. 101-313, eff. 8-9-19.)

(225 ILCS 330/43)

Sec. 43. (Repealed).

(Source: P.A. 96-626, eff. 8-24-09. Repealed by P.A. 101-313, eff. 8-9-19.)

(225 ILCS 330/44) (from Ch. 111, par. 3294)

(Section scheduled to be repealed on January 1, 2030)

Sec. 44. Plats and licenses as prima facie evidence; record of plats. All plats and licenses issued by a professional land surveyor under his or her hand and seal shall be received as prima facie evidence in all courts in this State. A professional land surveyor is entitled to have his or her plats recorded in the county where the land affected lies; provided, however, plats of subdivision or dedication are subject to any statutory provisions relating to the approval, recording, and filing of plats of subdivision or dedication.

(Source: P.A. 101-313, eff. 8-9-19.)

(225 ILCS 330/45) (from Ch. 111, par. 3295)

(Section scheduled to be repealed on January 1, 2030)

Sec. 45. Entry upon adjoining land; liability for damages. A professional land surveyor, or persons under his or her direct supervision, together with his or her survey party, who, in the course of making a survey, finds it necessary to go upon the land of a party or parties other than the one for whom the survey is being made is not liable for civil or criminal trespass and is liable only for any actual damage done to the land or property.

(Source: P.A. 101-313, eff. 8-9-19.)

(225 ILCS 330/46) (from Ch. 111, par. 3296)

(Section scheduled to be repealed on January 1, 2030)

Sec. 46. Illinois Administrative Procedure Act. The Illinois Administrative Procedure Act is expressly adopted and incorporated as if all of the provisions of that Act were included in this Act, except that the provision of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act that provides that at hearings the licensee has the right to show compliance with all lawful requirements for retention, continuation, or renewal of the license is specifically excluded. For the purpose of this Act, the notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed sufficient when mailed or emailed to the last known address of record.

(Source: P.A. 101-313, eff. 8-9-19.)

(225 ILCS 330/47) (from Ch. 111, par. 3297)

(Section scheduled to be repealed on January 1, 2030)

Sec. 47. Home rule. Pursuant to subsection (h) of Section 6 of Article VII of the Illinois Constitution, a home rule unit may not regulate the profession of land surveying in a manner more restrictive than the regulation by the State of the profession of land surveying as provided in this Act. This Section is a limitation on the concurrent exercise by home rule units of powers and functions exercised by the State.

(Source: P.A. 98-756, eff. 7-16-14.)

(225 ILCS 330/48) (from Ch. 111, par. 3298)

(Section scheduled to be repealed on January 1, 2030)

Sec. 48. Fund, appropriations, investments and audits. The moneys deposited into the Design Professionals Administration and Investigation Fund from fines and fees under this Act shall be appropriated to the Department exclusively for expenses of the Department and the Board in the administration of this Act, the Illinois Architecture Practice Act, the Professional Engineering Practice Act of 1989, and the Structural Engineering Practice Act of 1989. The expenses of the Department under this Act shall be limited to the ordinary and contingent expenses of the Design Professionals Dedicated Employees within the Department as

established under Section 2105-75 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois and other expenses related to the administration and enforcement of this Act.

Moneys from the Fund may also be used for direct and allocable indirect costs related to the public purposes of the Department of Financial and Professional Regulation. Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized by Section 2105-300 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

Moneys in the Design Professionals Administration and Investigation Fund may be invested and reinvested with all earnings received from the investments to be deposited into the Design Professionals Administration and Investigation Fund and used for the same purposes as fees deposited into that Fund.

All fines and penalties under Sections 16 and 27 shall be deposited into the Design Professionals Administration and Investigation Fund.

Upon the completion of any audit of the Department as prescribed by the Illinois State Auditing Act that includes an audit of the Design Professionals Administration and Investigation Fund, the Department shall make the audit open to inspection by any interested person. The copy of the audit report required to be submitted to the Department by this Section is in addition to copies of audit reports required to be submitted to other State officers and agencies by Section 3-14 of the Illinois State Auditing Act.

(Source: P.A. 100-171, eff. 1-1-18; 101-313, eff. 8-9-19.)

[\(225 ILCS 330/49\) \(from Ch. 111, par. 3299\)](#)

(Section scheduled to be repealed on January 1, 2030)

Sec. 49. The provisions of this Act, insofar as they are the same or substantially the same as those of any prior law concerning the licensure of land surveyors, shall be construed as a continuation of such prior law and not as a new enactment.

Any existing injunction or temporary restraining order validly obtained under the Illinois Land Surveyors Act which prohibits the unlicensed practice of land surveying or prohibits or requires any other conduct in connection with the practice of land surveying, or any disciplinary action begun under the Illinois Land Surveyors Act are not invalidated by the enactment of this Act and shall continue to have full force and effect on and after the effective date of this Act. All certificates of registration and enrollments in effect on December 31, 1989 issued pursuant to the Illinois Land Surveyors Act are reinstated under this Act for the balance of the term for which last issued. All rules and regulations in effect on December 31, 1989 and promulgated pursuant to the Illinois Land Surveyors Act shall remain in full force and effect on and after the effective date of this Act without being promulgated again by the Department, except to the extent any such rule or regulation is inconsistent with any provision of this Act.

(Source: P.A. 93-467, eff. 1-1-04.)

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS  
PART 1278 THE PROFESSIONAL LAND SURVEYOR ACT OF 1989

The General Assembly's Illinois Administrative Code database includes only those rulemakings that have been permanently adopted. This menu will point out the Sections on which an emergency rule (valid for a maximum of 150 days, usually until replaced by a permanent rulemaking) exists. The emergency rulemaking is linked through the notation that follows the Section heading in the menu.

[Section 1270.5 - Application for Licensure as a Professional Land Surveyor-in-Training by Examination](#)

An applicant for licensure as a Professional Land Surveyor-in-Training under the Illinois Professional Land Surveyor Act of 1989 (the Act) [225 ILCS 330 ] shall file an application, on forms supplied by the Department of Financial and Professional Regulation-Division of Professional Regulation (Division), as required by Section 1270.20(g). The application shall include the following:

- a)** Certification of education, completed by the educational institution attended, for one of the following:
  - 1)** A baccalaureate degree in land surveying from an accredited college or university; or
  - 2)** A baccalaureate degree from an accredited college or university in a related science, as defined in Section 1270.15, including 24 semester hours of land surveying courses
- b)** The required fee specified in Section 1270.52.
- c)** Applicants who apply after January 1, 1997, who graduated from a land surveyor program outside the United States or its territories and whose first language is not English must provide proof of passage of the Test of English as a Foreign Language Internet Based Test (TOEFL-iBT) with a minimum score of 26 on the speaking module and a total minimum integrated score of 88 or the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the computer-based test and the Test of Spoken English (TSE) with a minimum score of 50. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the land surveyor program from which the applicant graduated was taught in English.
- d)** Applicants who received their education in a foreign country shall have the education evaluated on a course-by-course basis at their expense. Applicants shall obtain the forms from the American Association of Collegiate Registrars and Officers (AACRAO), 1 Dupont Circle, N.W., Suite 370, Washington DC 20036-1110, or from NCEES Credentials Evaluations, PO Box 1686 (280 Seneca Creek Road), Clemson SC 29633-1686. The Land Surveyors Licensing Board (the Board) will review all transcripts and the evaluation submitted to the Division to determine if the education meets the requirements set forth in this Section and Section 1270.15.

*Ill. Admin. Code tit. 68, § 1270.5*



*Amended at 36 Ill. Reg. 4818, effective May 1, 2012*

Amended at 39 Ill. Reg. 14826, effective 11/13/2015

### Section 1270.10 - Application for Licensure as a Professional Land Surveyor by Examination

An applicant for licensure as a Professional Land Surveyor shall file an application, on forms supplied by the Division, as required by Section 1270.20(g). The application shall include the following:

**a) Verification of education.**

**1) A baccalaureate degree in land surveying from an approved program from an accredited college or university; or**

**2) A baccalaureate degree from an accredited college or university in a related science, as defined in Section 1270.15(a), including 24 semester hours of land surveying courses.**

**b) Proof of holding a license as a Professional Land Surveyor-in-Training.**

**c) Certification, on forms provided by the Division, from the state or territory of the United States in which the applicant was originally licensed as a Surveyor-in-Training and/or Land Surveyor and the state in which the applicant predominantly practices and is currently licensed, if applicable, stating:**

**1) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;**

**2) A description of the examination in that jurisdiction; and**

**3) Whether the file on the applicant contains any record of disciplinary actions taken.**

**d) Verification of experience form, completed by a professional licensed land surveyor who was in direct supervision and control of his or her activities, indicating at least 4 years of responsible charge experience in land surveying as set forth in Section 1270.13.**

**e) The required fee specified in Section 1270.52.**

**f) Applicants who apply after January 1, 1997, who graduated from a land surveyor program outside the United States or its territories and whose first language is not English must provide proof of passage of the Test of English as a Foreign Language Internet Based Test (TOEFL-iBT) with a minimum score of 26 on the speaking module and a total minimum integrated score of 88 or the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the computer-based test and the Test of Spoken English (TSE) with a minimum score of 50. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the land surveyor program from which the applicant graduated was taught in English.**

**g) Applicants who received their education in a foreign country shall have the education evaluated on a course-by-course basis at their expense. Applicants may obtain forms from the American Association of Collegiate Registrars and Officers (AACRAO), 1 Dupont Circle, N.W., Suite 370, Washington DC 20036-1110 or from NCEES Credentials Evaluations, PO Box 1686 (280 Seneca Creek Road), Clemson SC 29633-1686 to evaluate educational programs. The**

Board will review all transcripts and the evaluation submitted to the Division to determine if the education meets the requirements set forth in this Section and Section 1270.15.

*Ill. Admin. Code tit. 68, § 1270.10*

*Amended at 36 Ill. Reg. 4818, effective May 1, 2012*

Amended at 39 Ill. Reg. 14826, effective 11/13/2015

### Section 1270.13 - Experience

The experience requirements set forth in Section 1270.10 shall meet the criteria described below.

- a)** Credit shall be given for actual experience in the practice of land surveying as defined in Section 5 of the Act.
- b)** Such experience shall be under the direct supervision and control of a professional land surveyor in responsible charge of land surveying operations. Direct supervision and control means the personal review by a licensed professional land surveyor of each survey, including, but not limited to, procurement, research, field work, calculations, preparation of legal descriptions and plats. The personal review shall be of such a nature as to assure the client that the professional land surveyor or the firm for which the professional land surveyor is employed is the provider of the surveying services. (Section 4 of the Act)
- c)** Experience shall be in areas of land surveying practice designated in this subsection (c) or in other areas which, in the opinion of the Board, provide the applicant with knowledge of practice of land surveying at least equivalent to that which is generally acquired by experience in the areas listed. An applicant need not have experience in all areas listed in this subsection.
  - 1)** The applicant shall have not less than 25% or more than 50% of cumulative actual experience in the following areas:
    - A)** Field procedures to perform boundary surveys of existing or proposed tracts of land;
    - B)** Field procedures to locate or re-establish section corners that are part of the public land survey system;
    - C)** Field procedures to perform surveys for subdivisions and condominiums.
  - 2)** The applicant shall have the remainder of cumulative actual experience in the following areas:
    - A)** Research of records to obtain data to perform boundary surveys or obtain other required data;
    - B)** Calculations and analyses of data to determine locations, dimensions and area of existing or proposed tracts of land;
    - C)** Calculations and analyses of data to determine position of section corners or locations, dimensions or areas of aliquot parts of sections, all in the public land survey system;
    - D)** Preparation of legal descriptions;
    - E)** Preparation of plats of surveys for existing or proposed tracts of land;
    - F)** Preparation of plats of subdivisions and plats of condominiums;
    - G)** Preparation of section corner monument records;
    - H)** Field procedures to perform topographic surveys;
    - I)** Preparation of topographic plats of surveys.

*Ill. Admin. Code tit. 68, § 1270.13*

*Amended at 28 Ill. Reg. 15297, effective November 10, 2004*

#### Section 1270.15 - Definition of Related Science

A baccalaureate degree in a Related Science is a baccalaureate degree from an accredited college or university that includes core courses in at least the following subjects, or their equivalents, for the minimum semester hours shown. The following subjects all may be completed prior to, concurrent with, or subsequent to receiving the baccalaureate degree.

- a)** Mathematics (College Algebra and beyond) - 15 semester hours
- b)** Basic Sciences (Physics and/or Chemistry) - 8 semester hours
- c)** Additional Basic Sciences (including, but not limited to: Geology, Geography, Dendrology, Astronomy, Biology, Soil Mechanics, and engineering sciences) - 20 semester hours
- d)** Land Surveying courses (including, but not limited to: fundamentals of land surveying, boundary surveying, route surveying, topographic surveying, descriptions, legal aspects, subdivision design, data computations and adjustments, map projections and geometric geodemy and photogrammetry) - 24 semester hours

*Ill. Admin. Code tit. 68, § 1270.15*

*Amended at 28 Ill. Reg. 15297, effective November 10, 2004*

#### Section 1270.20 – Examinations

- a)** An applicant for licensure as a Professional Land Surveyor-in-Training shall pass the National Council of Examiners for Engineering and Surveying (NCEES) Fundamentals of Land Surveying Examination.
- b)** An applicant for licensure as a Professional Land Surveyor who is licensed as a Professional Land Surveyor-in-Training shall pass the following examinations:
  - 1)** NCEES Principles and Practice of Land Surveying Examination; and
  - 2)** Illinois Jurisdictional Examination.
- c)** The scoring of the NCEES Fundamentals of Land Surveying Examination and the NCEES Principles and Practice of Land Surveying Examination and the determination of scores shall be as approved by NCEES. Separate scores shall be given for each examination and the scores shall be reported as pass/fail.
- d)** The Illinois Jurisdictional Examination shall be reported as pass/fail. The Jurisdictional Examination shall include, but not be limited to, the following areas:
  - 1)** History of the public land surveying system in Illinois;
  - 2)** Jurisdictional Standards and Ethics (knowledge of prevailing professional standards and ethics specific to Illinois);
  - 3)** Jurisdictional Legal Precedent and Principles (knowledge of legal principles and requirements specific to Illinois);
  - 4)** Jurisdictional Field Techniques (knowledge of field research techniques specific to Illinois); and
  - 5)** Jurisdictional Record Sources (knowledge of sources of records and information specific to Illinois).
- e)** Retake of Examination.

- 1) Applicants who do not pass the NCEES Fundamentals of Land Surveying Examination, the NCEES Principles and Practice of Land Surveying Examination or the Illinois Jurisdictional Examination will be required to retake only the examinations failed.
- 2) *If an applicant neglects, fails, or refuses to take an examination for registration under this Act within 3 years after filing his or her application, the application fee shall be forfeited to the Department and the application denied. However, the applicant may thereafter make a new application for examination, accompanied by the required fee.* (Section 11 of the Act) New applications shall include proof of meeting the qualifications for examination in effect at the time of such new application with the exception provided in subsection (e)(3).
- 3) Scores from examinations already passed under a previous application shall be carried over and applied to subsequent applications.
- 4) The Fundamentals of Surveying Examination scores are valid only for 10 years. If the applicant has failed to meet the requirements and apply for the Principles and Practice of Surveying within 10 years after original passage of the Fundamentals of Surveying, the original score is voided and the Fundamentals of Surveying must be retaken for enrollment as a Land Surveyor-in-Training.
- f) Candidates who fail an examination may not review their examination booklet or the associated answer sheets. Rescoring of the examination or any individual problem is not permitted; however, a retabulation of the numerical score will be permitted for a paper examination, but no retabulation of a computer-based examination is allowed.
- g) Examinations may be given in various formats with different application submittal dates depending on the examination format. For examinations administered in paper form in October and April, the application deadline is November 15 for the April exam and May 15 for the October exam. For examinations administered continuously in a computer-based format, there is no deadline for submittal of the application. Computer-based examinations will be offered at times and in manners prescribed by NCEES. If approved for any examination, paper or computer-based, the applicant will be allowed to test for three years after the date of receipt of the application by the Department, with no limit on the number of times the examination may be taken other than those limits published by NCEES.

*Ill. Admin. Code tit. 68, § 1270.20*

*Amended at 31 Ill. Reg. 1832, effective January 8, 2007*

Amended at 39 Ill. Reg. 14826, effective 11/13/2015

#### Section 1270.30 – Endorsement

- a) An applicant who is licensed or registered to practice Land Surveying as a Professional Land Surveyor or a Professional Land Surveyor-in-Training under the laws of another state or territory of the United States who desires to become licensed by endorsement shall file an application with the Division together with:
  - 1) Proof that the applicant has met the requirements substantially equivalent to those in force in this State for a Licensed Professional Land Surveyor at the time of original or subsequent

licensure by examination in the other state or territory, including certification of education, and verification of experience as appropriate;

**2)** A certification by the state or territory of original licensure and certification from the state or territory of predominant active practice, including the following:

**A)** The time during which the applicant was licensed in that state or territory, including the date of the original issuance of the license;

**B)** The basis of licensure and a description of all examinations by which the applicant was licensed in that state or territory and the date of passage of any such examinations; and

**C)** Whether the records of the licensing authority contain any record of disciplinary action taken;

**3)** The required fee specified in Section 1270.52;

**4)** Applicants who received a license after January 1, 1997 and who received their education in a foreign country shall have the education evaluated on a course-by-course basis at their expense. Applicants may obtain forms from the American Association of Collegiate Registrars and Officers (AACRAO), 1 Dupont Circle, N.W., Suite 370, Washington DC 20036-1110 or from NCEES Credentials Evaluations, PO Box 1686 (280 Seneca Creek Road), Clemson SC 29633-1686 to evaluate educational programs. The Board will review all transcripts and the evaluation submitted to the Division to determine if the education meets the requirements set forth in this Section and Section 1270.15;

**5)** Proof of passage of the Test of English as a Foreign Language Internet Based Test (TOEFL-iBT) with a minimum score of 26 on the speaking module and a total minimum integrated score of 88 or the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the computer-based test and the Test of Spoken English (TSE) with a minimum score of 50, for applicants who were licensed after January 1, 1997, who graduated from a land surveyor program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the land surveyor program from which the applicant graduated was taught in English.

**b)** An applicant for licensure under this Section may be required to appear before the Board for an oral interview if the Division has questions about the applicant's application, because of discrepancies or conflicts in information, information needing further clarification and/or missing information.

**c)** Applicants for licensure on the basis of endorsement shall successfully complete the Illinois Jurisdictional Examination as set forth in Section 1270.20.**d)** The Division shall examine each endorsement application to determine whether the requirements in the state or territory of original licensure were substantially equivalent to the requirements then in force in the State of Illinois. The Division shall either issue a license by endorsement to the applicant or notify the applicant in writing of the reason for the denial of the application.

*Ill. Admin. Code tit. 68, § 1270.30*

*Amended at 36 Ill. Reg. 4818, effective May 1, 2012*

*Amended at 39 Ill. Reg. 14826, effective 11/13/2015*

### Section 1270.35 - Inactive Status

- a)** Any Licensed Professional Land Surveyor who notifies the Division in writing, on forms prescribed by the Division, may elect to place his or her license on inactive status and shall be excused from the payment of renewal fees until he or she notifies the Division in writing of his or her desire to resume active status.
  - b)** Any licensee seeking restoration from inactive status shall do so in accordance with Section 1270.40 of this Part.
  - c)** Any Licensed Professional Land Surveyor whose license is on inactive status shall not practice land surveying in the State of Illinois. Practicing or offering to practice on a license which is on inactive status shall be grounds for discipline under Section 27 of the Act.
- Ill. Admin. Code tit. 68, § 1270.35*

*Amended at 31 Ill. Reg. 1832, effective January 8, 2007*

### Section 1270.40 – Restoration

- a)** A licensee seeking restoration of a license that has expired for less than 5 years shall have the license restored upon payment of the fee specified by Section 1270.52 and proof of 20 professional development hours completed in accordance with Section 1270.65 within 2 years prior to the restoration application.
- b)** A licensee seeking restoration of a license that has been placed on inactive status for less than 5 years shall have his or her license restored upon payment of the current renewal fee specified by Section 1270.52 and proof of 20 professional development hours completed in accordance with Section 1270.65 within 2 years prior to the restoration application.
- c)** A licensee seeking restoration of a license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Division, for review by the Board, together with proof of successful completion of 20 professional development hours completed in accordance with Section 1270.65 within 2 years prior to the restoration application and the fee specified by Section 1270.52. The licensee shall also submit:
  - 1)** Certification of active practice for at least the last 2 years in another jurisdiction. The certification shall include a statement from the appropriate board or licensing authority in the jurisdiction that the licensee was authorized to practice during the term of the active practice;
  - 2)** An affidavit attesting to military service as provided in Section 16 of the Act;
  - 3)** Proof of passage of the Illinois Jurisdictional Examination and/or the NCEES examination within one year after application; or
  - 4)** Other evidence of continued competence in land surveying. Other evidence shall include, but not be limited to:
    - A)** Employment in a responsible capacity by a licensed land surveyor, for at least the last 2 years, as determined by the Board;
    - B)** Lawfully practicing land surveying as an employee of a governmental agency; or
    - C)** Teaching land surveying in a college or university or other educational programs.
- d)** Any person restoring a license within 2 years after discharge from military service pursuant to Section 16 of the Act will be required to pay only the current renewal fee.
- e)** When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience is questioned by the Division because of discrepancies or conflicts in



information, information needing further clarification, or missing information, the licensee seeking restoration of his or her license shall be required to provide the necessary information and, if requested to do so:

- 1) Explain the relevance or sufficiency during an oral interview; and/or
- 2) Appear for an oral interview before the Board when the information available to the Board is insufficient to evaluate the individual's current competency to practice under the Act. Upon the recommendation of the Board, and approval by the Director of the Division with the authority delegated by the Secretary (Director), an applicant shall have his or her license restored or shall be notified in writing of the reason for the denial of the application for restoration.

*Ill. Admin. Code tit. 68, § 1270.40*

*Amended at 36 Ill. Reg. 4818, effective May 1, 2012*

#### Section 1270.45 - Professional Design Firm

**a)** Persons who desire to practice land surveying in the State of Illinois in the form of a corporation, professional service corporation, partnership, limited liability company or limited liability partnership or sole proprietorship (if the sole proprietorship is conducting or transacting business under an assumed name in accordance with the Assumed Business Name Act [805 ILCS 405 ]) pursuant to Section 25 of the Act, shall file an application with the Division on forms provided by the Division, together with the following:

**1)** For Corporations or Professional Service Corporations. (Registration as a professional design firm shall meet the registration requirements of Section 12 of the Professional Service Corporation Act [805 ILCS 10/12 ].)

**A)** The name of the corporation and its registered address, the names of all members of the board of directors and officers, and the name of the state and license number for each director who is a licensed design professional.

**B)** A copy of the Articles of Incorporation bearing the seal of the office, in the jurisdiction in which the corporation is organized, whose duty it is to register corporations under the laws of that jurisdiction. If it is a foreign corporation, a copy of the certificate of authority to transact business in the State of Illinois issued by the Secretary of State is also required. The purpose clause of the Articles of Incorporation or the certificate of authority shall designate that the corporation is authorized to provide land surveying services. Each corporation shall remain active and in good standing with the Secretary of State in order to maintain a professional design firm registration

**.C)** A signed and dated resolution of the board of directors of the corporation designating a regular full-time employee of the corporation who is an Illinois licensed land surveyor as the managing agent in charge of the land surveying activities in Illinois. The Illinois license number of the land surveyor designated as the managing agent shall also be included in the resolution.

**D)** A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State for any assumed names of the corporation, if applicable.

**E)** A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.

**2)** For Partnerships

**A)** General

- i)** A copy of the signed and dated partnership agreement authorizing the partnership to provide land surveying services. The partnership agreement shall contain the name of the partnership, its business address and the names of all partners. The name of the state in which each partner is licensed as a design professional and the license number shall be listed on the application.
- ii)** A signed and dated resolution adopted by the general partners designating a regular full-time employee of the partnership who is an Illinois licensed land surveyor as the managing agent in charge of the land surveying activities in this State. The Illinois license number of the land surveyor designated as the managing agent shall also be included in the resolution.
- iii)** A copy of the partnership documentation bearing the stamp of the county clerk where the partnership has been filed.
- iv)** A letter or certificate from the county clerk where an assumed name has been filed, if applicable.

**B) Limited Partnership**

- i)** A copy of the signed and dated partnership agreement indicating that it has been filed with the Secretary of State authorizing the partnership to provide land surveying services. The partnership agreement shall contain the name of the partnership, its business address and the names of all partners. The name of the state in which each partner is licensed as a design professional and the license number shall be listed on the application.
- ii)** A signed and dated resolution adopted by the partners designating a full-time employee of the partnership who is an Illinois licensed land surveyor in this State as the managing agent in charge of land surveying activities. The Illinois license number of the land surveyor designated as the managing agent shall also be included in the resolution.
- iii)** A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.
- iv)** A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State for any assumed names of the partnership, if applicable.

**3) For Limited Liability Companies or Limited Liability Partnerships**

- A)** An application containing the name of the limited liability company or partnership, the business address and the members/partners of the company/partnership, the name of the state and the license number of each member/partner licensed as a design professional.
- B)** A signed and dated resolution of the members or partners designating a full-time employee who is an Illinois licensed land surveyor as the managing agent in charge of the land surveying activities in this State. The Illinois license number of the managing agent shall also be included in the resolution.
- C)** A copy of the operating agreement or partnership agreement filed with the Secretary of State stating the company or partnership is authorized to offer land surveying services.
- D)** A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.
- E)** A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State for any assumed names of the limited liability company or partnership, if applicable.

**4) For Sole Proprietorships with an Assumed Name**

- A)** An application containing the name of the sole proprietorship and its business address and the name and Illinois license number of the land surveyor who owns and operates the business.



- B)** A letter or certificate received from the county clerk where an assumed name has been filed.
- 5)** A list of all office locations at which the corporation, professional service corporation, limited liability company/partnership, partnership or sole proprietorship provides land surveying services. *Any professional services corporation, sole proprietorship, or professional design firm offering land surveying services must have a resident land surveyor overseeing the land surveying practices in each location in which land surveying services are provided.* (Section 25(h) of the Act) A resident professional land surveyor shall be assigned to supervise land surveying operations in only one office. Each resident professional land surveyor shall conduct his or her daily business in his or her assigned office or field locations.
- 6)** The fee required in Section 1270.52.
- b)** A professional design firm may designate more than one managing agent in charge of land surveying activities. However, a licensee designated as the managing agent may not serve as a managing agent for more than one corporation, professional service corporation, limited liability company/partnership, or partnership doing business in Illinois.
- c)** Upon receipt of the above documents and review of the application, the Division shall issue a registration authorizing the corporation, professional service corporation, limited liability company/partnership, partnership or sole proprietorship to engage in the practice of land surveying or notify the applicant in writing of the reason for the denial of the application.
- d)** Each corporation, professional service corporation, limited liability company/partnership, partnership or sole proprietorship with an assumed name shall be responsible for notifying the Division in writing within 30 days after any changes in:
- 1)** The membership of the board of directors, members/partners of the limited liability company/partnership or the general partners;
  - 2)** The licensure status of any of the general partners, members/partners of the limited liability company/partnership or any of the licensed design professional members of the board of directors; and
  - 3)** An assumed name.
- e)** Each corporation, professional service corporation, limited liability company/partnership or partnership shall be responsible for notifying the Division in writing, by certified mail, within 10 business days after the termination or change in status of the managing agent. Thereafter, the corporation, professional service corporation, limited liability company/partnership or partnership, if it has so informed the Division, has 30 days to notify the Division of the name and license number of the land surveyor licensed in Illinois who is the newly designated managing agent.
- f)** Any failure to notify the Division as required in subsections (d) and (e) or any failure of the corporation, professional service corporation, limited liability company/partnership or partnership to continue to comply with the requirements of Section 25 of the Act will subject the corporation, limited liability company/partnership or partnership to the loss of its registration to practice land surveying in Illinois.
- g)** Sole Proprietorships. Any sole proprietorship owned and operated by a land surveyor who has an active Illinois license is exempt from the registration requirement of a professional design firm. However, if the sole proprietorship operates under an assumed name, the sole proprietorship shall file an application in accordance with subsection (a)(4). Any sole

proprietorship not owned and operated by an Illinois licensed land surveyor shall be prohibited from offering land surveying services to the public.

**h)** In addition to the seal requirements in Section 15 of the Act, all documents or technical submissions prepared by the professional design firm shall contain the professional design firm registration number issued by the Division.

*Ill. Admin. Code tit. 68, § 1270.45*

*Amended at 31 Ill. Reg. 1832, effective January 8, 2007*

Amended at 39 Ill. Reg. 14826, effective 11/13/2015

### Section 1270.50 – Renewals

**a)** Every license as a Professional Land Surveyor issued under the Act shall expire on November 30 of each even numbered year. The holder of a license may renew that license during the month preceding the expiration date thereof by paying the fee specified in Section 1270.52 and meeting the professional development requirements set forth in Section 1270.65.

**b)** It is the responsibility of each licensee to notify the Division in writing of any change of address. Failure to receive a renewal form from the Division shall not constitute an excuse for failure to pay the renewal fee and to renew one's license.

**c)** *A license for a Land Surveyor-in-Training is valid for 10 years and may not be renewed (Section 18 of the Act).*

**d)** Every license issued to a professional design firm under the Act shall expire on April 30 of each odd-numbered year. The holder of a license may renew that license for a 2-year period during the month preceding the expiration date thereof by paying the fee specified in Section 1270.52 and certifying that the firm is in good standing with the Secretary of State, if applicable. **e)** Practicing or offering to practice on a license that has expired or been placed on inactive status shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 27 of the Act.

*Ill. Admin. Code tit. 68, § 1270.50*

*Amended at 31 Ill. Reg. 1832, effective January 8, 2007*

Amended at 39 Ill. Reg. 14826, effective 11/13/2015

### Section 1270.52 - Fees

The following fees shall be paid to the Department and are not refundable:

**a)** Application Fees.

**1)** The fee for application for a license as a professional land surveyor is \$150. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and

acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

2) The application fee for a license as a land surveyor-in-training is \$70.

3) The application fee for a certificate of registration as a professional design firm is \$75.

**b) Renewal Fees.**

1) The fee for the renewal of a license shall be \$30 per year.

2) The fee for renewal of a certificate of registration as a professional design firm is \$75 for the renewal period (see Section 1270.50(d) ).

**c) General Fees.**

1) The fee for the restoration of a license other than from inactive status is \$50 plus payment of all lapsed renewal fees.

2) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been lost or destroyed, or for the issuance of a license with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Division records when no duplicate license is issued.

3) The fee for a certification of a licensee's record for any purpose is \$20.

4) The fee to have the scoring of an examination administered by the Division reviewed and verified is \$20, plus any fee charge by the testing service.

5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.

6) The fee for a roster of persons licensed as a land surveyor-in-training or professional land surveyor in this State shall be the actual cost of producing the roster.

*Ill. Admin. Code tit. 68, § 1270.52*

*Amended at 36 Ill. Reg. 4818, effective May 1, 2012*

#### Section 1270.55 - Land Surveyor Complaint Committee

**a)** The Land Surveyor Complaint Committee of the Land Surveyors Licensing Board authorized by Sections 8 and 29 of the Act shall be composed of 2 members of the Land Surveyors Licensing Board, a Supervisor over Design Investigations and Chief of Prosecutions over Design Prosecutions. The Director of Enforcement shall designate the Supervisor and Chief assigned to the Complaint Committee.

**b)** The Complaint Committee shall meet at least once every 2 months to exercise its functions and duties set forth in subsection (c). The Complaint Committee may meet concurrently with the Complaint Committees of the Architecture Licensing Board, the State Board of Professional Engineers and the Structural Engineering Board to discuss interrelated professional matters. The Complaint Committee shall make every effort to consider expeditiously and take prompt action on each item on its agenda.

**c)** The Complaint Committee shall have the following duties and functions:

1) To review investigative case files after an initial inquiry into the involved parties and their licensure status have been obtained. "Case file" means the allegation made against an involved party that resulted in a preliminary inquiry and other information being obtained in order to determine whether an investigation should be initiated or prosecution pursued. A "Formal

Complaint" means the notice of allegations and charges or basis for licensure denial which begins the formal proceedings.

- 2)** To refer the case file to the Supervisor over the Design Investigators for further action. The Complaint Committee shall give the Supervisor an indication as to the prosecutorial merit and relative severity of the allegations to aid in the prioritization of investigative activity.
- 3)** To recommend that a case file be closed.
- 4)** To recommend that an Administrative Warning Letter be issued and the case file closed.
- 5)** To refer the case file to Prosecutions for review and action.
- 6)** To report the actions of the Complaint Committee at each Board meeting and to present enforcement statistics such as the type of alleged violation.
- d)** In determining what action to take or whether to proceed with investigation and prosecution of a case file, the Complaint Committee shall consider the following factors, but not be limited to: the effect on the public's health, safety and welfare; the sufficiency of the evidence presented; prosecutorial merit; and sufficient cooperation from complaining parties
- e)** At any time after referral to Prosecutions, the Division may enter into negotiations to resolve issues informally by way of a Consent Order. Factors to be considered in deciding whether to enter into settlement negotiations shall include, but not be limited to: the effect on the public's health, safety and welfare caused by the respondent's alleged conduct; sufficient investigation of the case; prosecutorial merit; relative severity of the respondent's alleged conduct; and past practices of the Division.
- f)** No file shall be closed nor Formal Complaint dismissed except upon recommendation of the Complaint Committee and/or approval by the Land Surveyors Licensing Board. Those case files that previously have been before the Board and are the subject of a Consent Order or Formal Order of the Director may be closed without further recommendation or approval of the Land Surveyors Licensing Board or the Complaint Committee.
- g)** Disqualification of a Land Surveyors Licensing Board member.
  - 1)** A Board member shall be recused from consideration of a case file or Formal Complaint when the Board member determines that a conflict of interest or prejudice would prevent that Board member from being fair and impartial.
  - 2)** Participation in the initial stages of the handling of a case file, including participation on the Complaint Committee and in informal conferences, shall not bar a Board member from future participation or decision making relating to that case file.
- h)** An informal conference is the procedure established by the Division that may be used for compliance review, fact finding, discussion of the issues, resolving case files, licensing issues or conflicts prior to initiating any Formal Complaint or formal hearing. An informal conference may only be conducted upon agreement of both parties. Informal conferences shall be conducted by a Division attorney and shall include members of the Board. Board members shall be scheduled for informal conferences on a rotating basis.

*Ill. Admin. Code tit. 68, § 1270.55*

*Amended at 31 Ill. Reg. 1832, effective January 8, 2007*

### Section 1270.56 - Minimum Standards of Practice

The minimum standards of practice set forth in this Section are intended to provide protection for the public by insuring that surveying services defined in this Section are completed in accordance with prevailing professional practices and current technological methods, and to provide a means by which professional performance of the individual practitioner can be assessed. These standards are to be binding upon every person and firm practicing land surveying in the State of Illinois, except where differing federal, State or local laws, ordinances or rules may be more stringent, or when special conditions exist that effectively prevent the survey from meeting these minimum standards. When special conditions exist any necessary deviations from the standards shall be noted on the plat of survey. It shall be a violation of this Part to use special conditions to circumvent the intent and purpose of the minimum standards. Any of the professional services set forth in this Section are greatly influenced by the evaluation of recorded information and field observations, and all those services shall be accomplished in compliance with these standards to ensure that they are located, described and platted in a professional manner. All terms used in these Minimum Standards of Practice shall be interpreted to agree with the definitions of those terms in the most current publication of Black's Law Dictionary, Definitions of Surveying and Associated Terms published by the American Congress on Surveying and Mapping (ACSM) and the American Society of Civil Engineers (ASCE), and Glossary of the Mapping Sciences published by American Society for Photogrammetry and Remote Sensing (ASPRS), ACSM and the ASCE.

#### **a) ALTA/ACSM Land Title Survey**

- 1) An ALTA/ACSM land title survey is a specialized survey that meets the specific needs peculiar to title insurance purposes, to enable title insurance companies to insure title to land without exceptions as to survey matters.**
- 2) All land title surveys shall be subject to the "2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys", published jointly by the American Land Title Association (ALTA), 1828 L. St., N.W., Suite 705, Washington, D.C. 20036 and the National Society of Professional Surveyors (NSPS), 6 Montgomery Village Avenue, Suite #403, Gaithersburg MD 20879. This incorporation does not include any later amendments or editions.**
- 3) All ALTA/ACSM land title surveys are to be performed to the current ALTA/ACSM Minimum Standard Detail Requirements. It is incumbent upon the licensed professional land surveyor to discuss with the client additional or optional requirements to be provided.**

#### **b) Boundary Survey**

- 1) A boundary survey is a land survey that requires study, investigation and evaluation of major factors affecting and influencing the location of boundary lines and that culminates in the deliberate location or relocation of the perimeters, division lines or boundaries of a certain lot, parcel or quantity of real estate, according to the record title description of the parcel or parent tract. This description should be furnished by the client, unless otherwise jointly agreed upon by the client and surveyor.**
- 2) The purpose of a boundary survey is to establish or re-establish the extent of title lines, and to define and identify those lines so as to uniquely locate each lot, parcel or other specific land area in relation to well recognized and established points of reference, adjoining properties, and rights of way.**

- 3) A boundary survey shall include, but not be limited to, the following:**
- A) Clear and legible field notes containing all pertinent information, measurements and observations made in the course of the field survey.**
  - B) Unless requested otherwise by the client or his/her agent, a plat of survey.**
  - C) A legal description for any parcel surveyed.**
  - D) Unless requested otherwise by the client or his/her agent, monuments or witness points shall be set for all accessible corners of the survey.**
- 4) Information Research Required.** Sufficient information to perform the survey shall be either furnished by the client and/or his/her agent or obtained by the surveyor by agreement with the client. The following appropriate factors must be evaluated by the surveyor:
- A) A property description describing the subject parcel. If, in the opinion of the surveyor, the description furnished or obtained is insufficient to fully define the extent or location of the parcel to be surveyed due to ambiguity or calls for adjoining deeds, prior recorded survey plats, etc., it is the duty of the client (unless agreed upon otherwise) to furnish the additional information requested by the surveyor. This is not to be construed to indicate that the surveyor has an obligation to research the title of record.**
  - B) A reproduction of the recorded subdivision plat that created the subject lot, block or parcel.**
  - C) A reproduction of the Government Township Plat and pertinent Monument Records if the survey is of a section or aliquot part of a section.**
  - D) Relevant data provided by the client regarding special circumstances, such as unrecorded easements, judgements or Court decrees that may influence the location of boundaries of the survey.**
- 5) Monuments.** Monuments set or called for, whether artificial or natural, bear witness to the footsteps of a surveyor and his/her professional opinion as to the proper marking of a desired position. Monumentation for public land survey systems corners shall be in accordance with the Land Survey Monuments Act. The following shall be considered acceptable types of artificial monuments for all other corners:
- A) Types**
    - i) Iron bars or rods shall be a minimum of 1/2" in diameter by 24" in length. Iron pipes shall be a minimum of 1/2" in diameter by 24" in length, with a minimum wall thickness of 1/8". Where rocky soils prevent specified lengths, the bar, rod or pipe should be driven to refusal at depths where it will remain stable.**
    - ii) Concrete monuments shall be a minimum size of 5" in diameter by 24" in length, or 4" square by 24" in length, and shall have a precise corner mark and shall be reinforced by at least a 1/4" re-bar or 1/2" or larger iron pipe.**
    - iii) Stone monuments shall be a minimum size of 4" square by 24" in length and shall have a precise corner mark.**
    - iv) Commercial cast iron or aluminum survey markers no less than 24" in length. Non-ferrous markers shall have ceramic magnets attached to aid in recovery.**
    - v) Other monuments, such as drill holes, chiseled marks in stone, concrete or steel, punch marks, precast bronze discs, nails or spikes, etc., shall be of sufficient size, diameter or depth to be definitive, stable and readily identified as a survey marker. Objects upon which the marks or markers are placed shall be of a stable and permanent nature.**



**B) Requirements**  
**i)** Where placement of corner monuments is a condition of the survey and it is physically impossible or impractical to set a monument at the corner, a witness corner or corners will be set, or noted if existing witness corners are found. Witness corners shall be referenced to the survey corner or survey lines.

**ii)** Monuments must be set to a sufficient depth so as to retain a stable and distinctive location. Material and size for monuments shall be chosen in regard to the terrain and situation that exists at the site of the survey. All monuments shall be set vertically whenever possible.

**6) Plats.** On all boundary surveys the completed plat shall be drawn on a stable and durable medium with a minimum size of 8 1/2" by 11" and shall contain the following:

**A)** Firm name, address and registration number.

**B)** Professional land surveyor seal, signature, date of signing, and license expiration date. The licensee may provide, at his or her sole discretion, an original signature in the licensee's handwriting, a scanned copy of the document bearing an original signature, or a signature generated by a computer.

**C)** Client's name.

**D)** North arrow.

**E)** Scale-written or graphic.

**F)** Date of completion of field work.

**G)** Legal description of the property.

**H)** Legend for all symbols and abbreviations used on the plat.

**I)** Monuments or witness corners, whether set or found, intended to represent or reference corners of the survey, shall be shown and described as to size, shape and material, and their positions noted in relation to the survey corners.

**J)** Sufficient angles, bearings or azimuths, linear dimensions and curve data must be shown on the plat to provide a mathematically closed figure for the exterior of the survey. Where record angular dimensions, bearings or azimuths, linear dimensions or curve data exist, such data shall be shown on the plat and distinguished from measured dimensions or data. Area of the survey is to be shown on the face of the plat unless otherwise requested by the client.

**K)** Where bearing, azimuth or coordinate systems are used, the basis or proper names of the system shall be noted on the plat.

**L)** If the survey is a parcel in a recorded subdivision, any adjacent rights of way or easements and setback lines shown on the recorded plat that affect the subject parcel are to be shown and dimensioned.

**M)** Visible physical evidence of possession or occupation either way from the exterior lines of the survey shall be shown and dimensioned.

**N)** Show visible evidence of improvements, rights of way, easements, or use when requested by the client.

**O)** Exculpatory statements that attempt to restrict the uses of boundary surveys shall not be affixed to any plat.

**P)** The following statement shall be placed near the professional land surveyor seal and signature: "This professional service conforms to the current Illinois minimum standards for a boundary survey."

**7) Field Procedures.** All field work shall be performed by a professional land surveyor or a person under his/her direct control and supervision in accordance with accepted methods of

surveying theory, practice and procedures. It is the responsibility of the professional land surveyor to insure conformance with the following specific requirements:

- A)** All surveying instruments shall be kept in proper adjustment and calibration.
- B)** All corners or monuments called for in the information provided or obtained under subsection (b)(4) that affect the location of the boundaries of the land to be surveyed shall be physically searched for in a methodical and meticulous fashion. Each corner or monument recovered shall be evaluated as to its agreement by description and location with the information in subsection (b)(4).
- C)** Other evidence that could influence the location of the lines or corners of the survey shall be located and evaluated.
- D)** When the survey is of an aliquot or divisional part of a larger tract, sufficient field work must be performed to ensure that the existence of excess or deficiency, if any, in the parent tract can be determined and distributed by the professional judgment of the surveyor.
- E)** All field data, including electronic field notes, shall be retained in a legible and orderly fashion that will be understandable to other surveyors.
- 8)** It shall be the responsibility of each professional land surveyor to monitor his/her work and that of those working under his/her supervision, so that the methods used to perform the survey and produce the plat and/or report will be of such quality that the accuracy, precision and positional tolerance of the final product delivered to his/her client will equal or exceed that which would be provided by another competent surveyor under similar circumstances.
- c) Condominium Surveys.** Condominium surveys are a specialized class of boundary surveys and are governed by the Condominium Property Act [765 ILCS 605 ]. The plat requirements referred to in Section 5 of that Act must be the result of actual field measurements and are not to be transcribed from plans or other informational materials. The exterior boundaries of a condominium parcel shall be monumented as required by the Plat Act [765 ILCS 205 ]. Notes on the condominium plat must indicate whether the interior measurements shown are referring to finished or unfinished surfaces or planes and what data was used for any elevations depicted on the plat.
- d) Subdivision Surveys**
  - 1)** Subdivision surveys are properly included in the boundary survey category and are primarily governed by the Plat Act. Subdivision surveys differ from the typical boundary survey in that monumentation for subdivision surveys is mandatory according to the statute. All exterior corners of the subdivision must be monumented prior to recordation of the subdivision plat. If, in the opinion of the subdividing surveyor, a disproportionate number of interior monuments would be destroyed by grading, utility installation, etc., monumentation of the interior corners may be delayed unless local regulations or ordinances specify otherwise. Interior corners of the subdivision must be monumented prior to the conveyance of any lot, block, parcel or unit within the subdivision and in all cases the monumentation must be in place within 12 months after the recording date of the subdivision plat. All of the interior corners subject to delayed staking shall be denoted on the record plat as "to be set", either by labeling or appropriate symbols. Upon completion of the monumentation the subdividing surveyor shall file an affidavit with the Recorder of the county in which the subdivision is located certifying that the monumentation of the subdivision has been completed. The affidavit shall include the name of the subdivision, date of plat recording and recording location information (book and page and/or document number).



**2)** Vertical subdivisions, i.e., subdivisions that divide property by horizontal, vertical, and oblique planes, require that all exterior boundary corners of the subdivision be monumented at its ground elevation prior to recordation of the subdivision plat. The physical features, if any, controlling the limits of the subdivided property must be defined on the subdivision plat. The datum used to control the dividing horizontal planes must be defined on the subdivision plat together with the benchmark used to determine the elevations of these planes. The interior corners or any lot or block corners other than those that are required for monumenting the exterior boundary corners do not require monumentation.

**e)** Mortgage Inspection. A Mortgage Inspection does not approach the standards of other survey categories, though by the provisions of Section 5 of the Illinois Professional Land Survey Act of 1989 [225 ILCS 330/5 ] the services of an Illinois Professional Land Surveyor are required. A mortgage inspection is not a type of boundary survey or ALTA/ACSM survey and does not constitute a boundary survey of the subject real property. A mortgage inspection includes field investigation, measurements and graphic representation of improvements.

**1)** Purpose. The mortgage inspection is intended for use by a mortgage lender and/or title insurer and is only a professional opinion of the relationship of improvements with respect to the deed lines and the existence, location and type of building on the property, the intent of which is to assist in the determination of the property's suitability to serve as collateral for a mortgage. It is not an opinion as to deed, title or platted lines. It is not to be used in matters of boundary disputes, legal actions between landowners, or for construction purposes. No new legal descriptions can be created from a mortgage inspection.

**2)** Product. A complete mortgage inspection will produce a drawing entitled "Mortgage Inspection" and, if required, a written report of the surveyor's findings and determinations.

**3)** Information

**A)** The following information shall be furnished by the client and/or his/her agent:

**i)** Legal description and address for the tract of land.

**ii)** Copy of commitment of title insurance for the tract of land, if possible.

**B)** The following information shall be obtained by the surveyor:

**i)** Copy of recorded subdivision plats (if applicable).

**ii)** Recorded section corner tie monuments and original government surveys (if applicable).

**iii)** Other necessary surveying information.

**4)** Monuments. No monuments shall be set.

**5)** Tolerances. Tolerances cannot be mandated for a mortgage inspection since the very nature of recovering deed lines and other information for that purpose precludes a rigid adherence to any standard value.

**6)** Field Procedures. The following procedures should generally be considered as minimum, but deviations as dictated by specific conditions shall be allowed:

**A)** Preliminary search and recovery of existing monument evidence.

**B)** Field location of tract through measurement from some controlling locations, such as: street intersection, subdivision corner, section corners, etc., sufficient to eliminate the possibility of gross error in location of the premises.

**C)** Through field measurements, locate and dimension relevant improvements.

**D)** If evidence of deed lines does not exist, the surveyor is obligated to refuse to perform a mortgage inspection until satisfactory evidence is obtained, either through a boundary survey or a land title survey.

**E)** If evidence exists of the possibility that the improvements on the subject property or adjoining property are on or very near the apparent deed lines, the surveyor is obligated to note his/her findings and recommend that a boundary survey or land title survey be performed.

**A)** Minimum size: 8 1/2" x 11".

**B)** The drawing shall be entitled:  
MORTGAGE INSPECTION

THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY

(The above two lines shall be of the same letter size and shall be twice the letter size of all other lettering on the drawing.)

**C)** A North arrow, scale of drawing, date and drawing legend shall be included.

**D)** Building dimensions and type of structure shall be shown.

**E)** Boundary dimensions shown shall be based on the public record or description provided; field measurements do not need to be shown.

**F)** No dimensional ties from structures or other improvements to apparent deed lines are required.

**G)** The legal description of the tract shall be given on the face of the drawing.

**H)** Use of the word "survey" in the title, or any implication in a certification that this drawing represents a "survey", is prohibited.

**I)** Professional land surveyor seal, signature, date of signing, and license expiration date. The licensee may provide, at his or her sole discretion, an original signature in the licensee's handwriting, a scanned copy of the document bearing an original signature, or a signature generated by a computer.

**J)** Address of the tract.

**K)** No found corner, boundary line or other survey monumentation shall be shown on the drawing.

**L)** Preceding the legal description and in the same size letters as the legal description the following statement shall appear:

"This mortgage inspection and drawing is not a boundary survey or plat of survey. This mortgage inspection was prepared to assist the mortgage company and title insurance company and is not to be used for any purposes of boundary disputes, location of actual deed, title or platted lines, or for construction of new improvements. Graphic representation shall be deemed approximate and no reliance should be placed on the scale of the drawing."

**M)** The following statement shall be placed immediately above the signature of the surveyor and in the same size letters as the legal description:

"This professional service conforms to the current Illinois minimum standards of practice for a mortgage inspection and is not a boundary survey."

**f) Topographic Survey**

**1) Topographic Survey.** A topographic survey is the delineation of horizontal and/or vertical locations of the existing natural or man-made features of a portion of the earth's surface, subsurface or airspace and the graphic representation of the results of such delineation. Topographic surveys that also depict land boundaries shall be entitled "Boundary and Topographic Survey" or "ALTA/ACSM Land Title and Topographic Survey", and shall be subject to the current minimum standards established for the ALTA/ACSM Land Title Surveys or Boundary Surveys by this Part, except where differing federal, State or local laws, ordinances or rules may be more stringent. When the position and/or extent of a topographic survey is not defined by land boundaries, enough information must be shown on the survey to enable the client to locate the survey on the ground. A licensed professional engineer knowledgeable in topographical survey may perform a topographic survey specific to his/her design project. A licensed professional engineer may not, however, offer topographic surveying services independent of his/her specific design project.**2) Information Research Required.** Sufficient information to perform the survey shall be furnished by the client or his/her agent or obtained by the surveyor by agreement with the client. The following appropriate factors must be evaluated by the surveyor.

**A)** A specific description of the survey site, along with designated areas outside the actual survey site where topographic information is required.

**B)** The location, description, datum and elevation of all benchmarks to be used for the survey. The datum should be based on a nationally accepted datum whenever practical, unless instructed otherwise by the client or as mandated by a governmental organization having jurisdiction in the area the survey is located.

**C)** The location and description of all horizontal control points to be used for the survey.

**D)** If contour lines are required by the client, the contour interval should be agreed upon by the surveyor and client.

**E)** Location and elevations of utilities is often an important part of a topographic survey. The surveyor and client must have a clear understanding of which utilities are to be located and what information on each utility is to be shown.

**F)** The surveyor shall be furnished a clear, concise description of the intended use of the survey.

**3) Field Requirements**

**A)** All surveying instruments shall be kept in proper adjustment and calibration.

**B)** The surveyor may apply procedures that most efficiently meet the requirements of the client without sacrificing the accuracy of the acquired information.

**C)** All field data, including electronic field notes, shall be retained in a legible and orderly fashion that will be understandable to other surveyors.

**4) Plats.** On all topographic surveys, the completed plat shall be drawn on a stable and durable medium with a minimum size of 8 1/2" by 11" and shall contain the following:

**A)** Firm name, address and registration number.

**B)** Professional land surveyor seal, signature, date of signing, and license expiration date.

**C)** "This professional service conforms to the current Illinois minimum standards for topographic surveys." This statement shall be placed near the professional land surveyor seal and signature.

**D)** Client's name.

- E) North arrow.
- F) Date of completion of field work.
- G) Scale as agreed upon by surveyor and client.
- H) Location and elevation of benchmarks at or near the survey shall be shown, and the datum noted.
- I) Legend for all symbols and abbreviations used on the plat.
- J) If elevation points are to be shown, such elevations shall be shown to the nearest one-hundredth of a foot on hard surfaces and to the nearest tenth of a foot elsewhere, unless requested otherwise by the client.
- K) Description of horizontal control points used in the survey, which shall be noted and shall be shown on the plat if possible.
- L) The location of permanent structures, including buildings, retaining walls, bridges, culverts, street or road paving and sidewalks.
- M) Existing contour lines indicating the relief of the entire parcel, unless required otherwise by the client. Elevation points, if shown, may be in a grid pattern or at high points, low points and grade changes, a combination of both methods, or at locations requested by the client.
- N) Location and water surface elevations of lakes, rivers, streams and drainage courses on or near the surveyed parcel, and direction of flow if any.
- O) If boundary line information is shown on the plat, the source of the boundary line information.**P**
  - ) If topographic information is to be delivered via electronic media, a suitable format shall be agreed upon. In every case, the surveyor shall also provide a signed and sealed hard copy drawing or representation of the survey. This drawing shall be the official survey and shall be deemed to be correct and superior to the electronic data.
- g) Minimum Standards for Writing Parcel Legal Descriptions. A description defining land boundaries written for conveyance or describing the extent of a survey or for other purposes shall be complete, providing definite and unequivocal identification of the property lines or boundaries of a unique parcel. The description shall be sufficient to be platted, located on the ground and, when appropriate, mathematically closed. The description shall commence at or relate to a physically monumented corner or boundary control line of record.
  - 1) If the land is located in a recorded subdivision, the description shall contain the number or other description of the lot, block or other part of the subdivision, or shall describe the parcel by reference to a known corner of the lot, block or other recorded reference.
  - 2) If the parcel is not located within a recorded subdivision, the description shall state the section, township, range, principal meridian and county, and shall describe the parcel by reference to quarter section, quarter-quarter section, government lot, or metes and bounds, beginning/commencing at a monumented corner and referencing an established and monumented line in the United States Public Land Survey System.
  - 3) In any case, when a new description is created or a previous description is rewritten, enough of the original description should be maintained so as to form a trail or chain to follow the history of the parcel.

*Ill. Admin. Code tit. 68, § 1270.56*

*Amended at 36 Ill. Reg. 4818, effective May 1, 2012*

Amended at 39 Ill. Reg. 14826, effective 11/13/2015

### Section 1270.57 - Standards of Professional Conduct

In order to safeguard life, health and property, to promote the public welfare, and to establish and maintain a high standard of integrity in the practice of professional land surveying, the following Standards of Professional Conduct shall be binding on every person holding a license as a land surveyor and on all professional design firms authorized to practice land surveying in this State.

- a)** The land surveyor shall at all times recognize the primary obligation to protect the safety, health, and welfare of the public in the performance of professional duties. If the land surveyor's professional judgment is overruled under circumstances where the safety, health, and welfare of the public are endangered, the land surveyor shall inform the land surveyor's employer of the possible consequences and notify other proper authority of the situation, as may be appropriate.
- b)** The land surveyor shall undertake to perform land surveying assignments only when qualified by education or experience in the specific technical field of land surveying involved.
- c)** The land surveyor may accept an assignment requiring education or experience outside of the land surveyor's field of competence, but only to the extent that services are restricted to those phases of the project in which the land surveyor is qualified. All other phases of the project shall be performed by qualified associates, consultants, or employees.
- d)** The land surveyor shall not affix a signature and/or seal to any land surveying plat or document dealing with subject matter in which the land surveyor lacks competence by virtue of insufficient education or experience.
- e)** The land surveyor shall be completely objective and truthful in all professional reports, statements, or testimony. The land surveyor shall include all relevant and pertinent information in the reports, statements, or testimony.
- f)** The land surveyor, when serving as an expert or technical witness before any court, commission, or other tribunal, shall express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of the land surveyor's testimony.
- g)** The land surveyor will issue no statement, criticism, or argument on land surveying matters connected with public policy that are inspired or paid for by an interested party, or parties, unless the land surveyor has prefaced the comment:
  - 1)** by explicitly identifying himself or herself;
  - 2)** by disclosing the identities of the party or parties on whose behalf the land surveyor is speaking; and
  - 3)** by revealing the existence of any pecuniary interest the land surveyor may have in the instant matters.
- h)** The land surveyor shall conscientiously avoid conflicts of interest with an employer or client, but, when unavoidable, the land surveyor shall forthwith disclose the circumstances to the employer or client.

- i)** The land surveyor shall avoid all known conflicts of interest with an employer or client and shall promptly inform the employer or client of any business association, interest, or circumstances that could influence judgment or quality of services.
- j)** The land surveyor shall not accept compensation, financial or otherwise, from more than one party for services on the same project, unless the circumstances are fully disclosed to, and agreed to by, all interested parties.
- k)** The land surveyor shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with the client or employer in connection with work for which the land surveyor is responsible.
- l)** The land surveyor shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products.
- m)** When in public service as a member, advisor, or employee of a governmental body or department, the land surveyor shall not participate in considerations or actions with respect to services provided by the land surveyor or the land surveyor's organizations in private land surveying practices.
- n)** The land surveyor shall not solicit or accept a land surveying contract from a governmental body on which a principal or officer of the land surveyor's organization serves as a member.
- o)** The land surveyor shall not offer to pay, either directly or indirectly, any commission, political contribution, gift, or other consideration in order to secure work, exclusive of securing a salaried position through employment agencies.
- p)** The land surveyor shall seek professional employment on the basis of qualification and competence in the proper accomplishment of similar work.
- q)** The land surveyor shall not falsify or permit misrepresentation of the land surveyor's or the land surveyor's associates' academic or professional qualifications. The land surveyor shall not misrepresent or exaggerate the degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures or their past accomplishments, or the land surveyor's past accomplishments, with the intent and purpose of enhancing the land surveyor's qualifications and work.
- r)** The land surveyor shall not knowingly associate with or permit the use of the land surveyor's name or firm name in a business venture by any person or firm the land surveyor knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature.
- s)** If the land surveyor has knowledge or reason to believe that another person or firm may be in violation of the Act or this Part, the land surveyor shall present that information to the Division in writing and shall cooperate with the Division in furnishing further information or assistance as may be required by the Division.
- t)** Conviction of a crime shall be deemed incompetent practice if the acts that resulted in the conviction have a direct bearing on whether the applicant should be entrusted to serve the public as a licensed land surveyor.
- u)** The revocation or suspension of a registered land surveyor's license by another jurisdiction, if for a cause that in the State of Illinois would constitute a violation of this Part, shall be grounds for a charge of violation.
- v)** Corporations, partnerships and firms maintaining any place of business in the State of Illinois for the purpose of providing or offering to provide land surveying to the public shall have in



responsible charge of land surveying service at any and each location a licensed land surveyor who shall be employed full-time at that location.

*Ill. Admin. Code tit. 68, § 1270.57*

*Amended at 31 Ill. Reg. 1832, effective January 8, 2007*

#### Section 1270.58 - Seal and Signature Requirements

**a)** Every individual professional land surveyor shall have a reproducible seal or facsimile, which may be computer generated, the impression of which shall contain the name of the land surveyor, his or her place of business, the license number of the professional land surveyor, and the words "Professional Land Surveyor, State of Illinois". A professional land surveyor shall seal all documents prepared by or under the direct supervision and control of the professional land surveyor. Any seal on a plat of survey, which bears the name of a professional design firm, rather than bearing the name of the individual licensed professional land surveyor responsible for the survey, shall be deemed an invalid seal. The individual licensee's written signature and date of signing, along with the date of license expiration, shall be placed adjacent to the seal. The licensee may provide, at his or her sole discretion, an original signature in the licensee's handwriting, a scanned copy of the document bearing an original signature, or a signature generated by a computer.

**b)** It is unlawful to affix one's seal to documents if doing so masks the true identity of the person who actually exercised direction, control and supervision of the preparation of that work. A Professional Land Surveyor who seals and signs documents is not responsible for damage caused by subsequent changes to or uses of those documents when the subsequent changes or uses, including changes or uses made by State or local government agencies, are not authorized or approved by the Professional Land Surveyor who originally sealed and signed the documents.

*Ill. Admin. Code tit. 68, § 1270.58*

*Amended at 28 Ill. Reg. 2228, effective January 23, 2004*

Amended at 39 Ill. Reg. 14826, effective 11/13/2015

#### Section 1270.60 - Granting Variances

**a)** The Director may grant variances from this Part in individual cases when he or she finds that:

- 1)** the provision from which the variance is granted is not statutorily mandated;
- 2)** no party will be injured by the granting of the variance; and
- 3)** the rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

**b)** The Director shall notify the Board of the granting of such variance, and the reasons for granting the variance, at the next meeting of the Board.

*Ill. Admin. Code tit. 68, § 1270.60*

*Amended at 31 Ill. Reg. 1832, effective January 8, 2007*

## Section 1270.65 - Professional Development

The professional development required as a condition for license renewal under the Illinois Professional Land Surveyor Act is set forth in this Section. All land surveyors shall meet these requirements.

### **a) Professional Development Hours Requirements**

**1)** Beginning with the November 30, 2006, renewal and every renewal thereafter, in order to renew a license as a land surveyor, a licensee shall be required to complete 20 professional development hours (PDH) relevant to the practice of land surveying. All 20 professional development hours (PDH) may be earned through online programs or courses. Failure to comply with these requirements may result in non-renewal of the land surveyor's license or other disciplinary action, or both. The professional development hours shall be in the following categories:

**A)** A minimum of 4 hours of programs, courses or activities in the area of State of Illinois statutes and rules that regulate professional land surveyors and surveys.

**B)** A minimum of 2 hours of programs, courses or activities in the area of professional conduct.

**C)** A minimum of 14 hours of programs, courses or activities in the area of land surveying or related sciences.

**2)** A pre-renewal period is the 24 months preceding November of each even-numbered year.

**3)** One professional development hour shall equal 50 minutes of instruction or participation. If a program is taken that awards continuing education units (CEU) rather than professional development hours, one continuing education unit equals 10 professional development hours of class in an approved continuing education course.

**4)** A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Illinois license.

**5)** Land surveyors licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section.

**6)** Professional development units used to satisfy the CE requirements of another jurisdiction may be applied to fulfill the CE requirements of the State of Illinois if they are substantially equivalent.

**b)** Professional development activities shall include, but not be limited to:

**1)** Successful completion of a college or university course in the area of land surveying, related sciences and surveying ethics. One semester credit hour of course work is equivalent to 15 PDHs and one quarter credit hour of course work is equivalent to 10 PDHs;

**2)** Successful completion of land surveying courses or programs offering professional development hours, including those offered online. Credit will be given for self-study courses only if an examination has been completed by the licensee and graded by the sponsor;

**3)** Active participation and successful completion of land surveying programs, seminars, tutorials, workshops, short courses or in-house courses;

**4)** Attending program presentations at related technical or professional meetings;

**5)** Teaching or Instructing. Teaching credit is valid for teaching a course or seminar for the first time only and does not apply to faculty in the performance of their regularly assigned duties.

Two PDHs will be awarded for every hour of teaching or presentation;



- 6) Authoring papers or articles that appear in nationally circulated journals or trade magazines. Credit is earned in the biennium of publication. A maximum of 5 PDHs per renewal are allowed for this activity.
- c) All programs or courses shall:
- 1) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in the practice of land surveying;
  - 2) Foster the enhancement of general or specialized practices and values of land surveying;
  - 3) Be developed and presented by persons with education and/or experience in the subject matter of the program; and
  - 4) Specify the course objectives and course content.
- d) It shall be the responsibility of a licensee to maintain a record of PDHs for 5 years that:
- 1) Includes:
    - A) The name and address of the sponsor or provider;
    - B) A brief statement of the subject matter, printed program schedules, registration receipts or other proof of participation;
    - C) Certificate of attendance;
    - D) The number of hours attended in each program; and
    - E) The date and place of the program; or
  - 2) Includes transcripts or records of professional development hours maintained by an acceptable provider as set forth in subsection (e).
- e) Acceptable providers for structured educational activities shall include, but not be limited to:
- 1) Illinois Professional Land Surveyor Association;
  - 2) National Council of Examiners for Engineering and Surveying (NCEES);
  - 3) National Society of Professional Land Surveyors;
  - 4) American Congress on Surveying and Mapping (ACSM);
  - 5) American Society of Civil Engineers (ASCE);
  - 6) Colleges, universities or other educational institutions;
  - 7) Other technical or professional societies or organizations.
- f) The Division shall not pre-approve individual courses or programs.
- g) Certification of Compliance with CE Requirements
- 1) Each renewal applicant shall certify, on the renewal application, full compliance with the professional development requirements set forth in this Section.
  - 2) The Division may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of attendance). This additional evidence shall be required in the context of the Division's random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.
  - 3) When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100].
- h) Restoration of Nonrenewed License. Upon satisfactory evidence of compliance with PDH requirements, the Division shall restore the license upon payment of the required fee as provided in Section 1247.75.
- i) Waiver of PDH Requirements

- 1) Any renewal applicant seeking renewal of a license without having fully complied with the PDH requirements shall file with the Division a renewal application along with the required fee set forth in Section 1247.75, a statement setting forth the facts concerning non-compliance and request for waiver of the PDH requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Division, upon the written recommendation of the Board, finds from such affidavit or any other evidence submitted that extreme hardship has been shown for granting a waiver, the Division shall waive enforcement of PDH requirements for the renewal period for which the applicant has applied.
- 2) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the PDH requirements during the applicable pre-renewal period because of:
  - A) Full-time service in the armed forces of the United States of America during a substantial part of the pre-renewal period;
  - B) An incapacitating illness documented by a statement from a currently licensed physician;
  - C) A physical inability to travel to the sites of approved programs documented by a currently licensed physician; or
  - D) Any other similar extenuating circumstances.
- 3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section, shall be deemed to be in good standing until the final decision on the application is made by the Division.

*Ill. Admin. Code tit. 68, § 1270.65*

*Amended at 28 Ill. Reg. 15297, effective November 10, 2004*

Amended at 45 Ill. Reg. 4481, effective 3/25/2021

## Appendix A - Rules for the Perpetuation of Monuments Under the Land Survey Monuments Act

- a) The Land Survey Monuments Act [765 ILCS 220 ] requires a licensed land surveyor to record a monument record when he/she conducts a survey that uses as a control corner any public land survey monument, or when he/she establishes, re-establishes, restores or rehabilitates any public land survey monument, except when there exists a monument record and the monument is found as described in the record. All licensed land surveyors who conduct surveys pursuant to the Land Survey Monuments Act shall comply with standards set forth in this Section. Violation of the Land Survey Monuments Act shall be considered a Class A misdemeanor pursuant to Section 11 of the Act.
- b) Every section corner and quarter section corner is a public land survey monument. The monumentation of other points resulting from the subdivision of a section is not a requirement of the Act. Only when a public land survey monument is used for making a survey is recording of a monument record a requirement of the Act. The licensed land surveyor may utilize information

from previous surveys providing it is sufficient to locate, establish or re-establish the public land survey monument and is adequate for preparing the monument record.

c) A monument record means a written and illustrated document describing the physical appearance of a survey monument and its accessories. The monument record shall be presented and recorded in accordance with the following specifications:

- 1) It shall have an overall width of 8 1/2 inches and an overall length of 11 inches.
- 2) It shall have a clear one-half inch border on the top, bottom and both sides.
- 3) A 3" x 5" block in the upper right corner shall be reserved for the use of the County Recorder of Deeds.
- 4) Paper on which the form is printed shall have a minimum rag content of 25 percent and shall be 20 pound weight.
- 5) The height of lettering or typing shall be one tenth of an inch and shall have a clarity suitable for microfilming and reproducing. A maximum of 4 sheets may be used as one document.
- 6) There shall be no more than 4 monuments shown on each record and all monuments must be for a common section.
- 7) The surveyor may show geodetic position or other information at his/her option, providing it does not detract from the clarity of the requirements of the monument record.
- 8) The drawing shall be orientated with North at the top of the form.
- 9) The monument record shall be recorded at the time of recording the survey if the survey is placed on record, but in no case more than 40 days after the survey is completed.
- 10) Each monument record shall describe at least 3 accessories or reference points.
- 11) All monument records shall be signed by a licensed land surveyor or by the chief of a survey party in an agency of the United States government.

d) It is recommended that, in addition to the monument record requirements set forth above, additional data to add to the monument record to aid in future recovery may include the following:

- 1) the company's job number of the survey project;
- 2) the date the survey plat was completed;

- 3) the name of the firm, surveyor's name and field book with page number;
  - 4) distances and bearings to the nearest quarter or section corner monument;
  - 5) general location of ties (i.e., in ditch line, 5' east of edge of pavement, etc.);
  - 6) the amount of cover, if any, over the monument;
  - 7) the proper or government township name;
  - 8) that distances are slope or horizontal;
  - 9) any known history of the monument (e.g., the monument was shown on a plat of survey by Super Surveyors, Inc., dated August 16, 1937, and recorded in Surveyors Book 2, page 29, in the County Recorder's Office).
- e) The Land Survey Monuments Act states that a monument shall be in such a physical condition that it remains as permanent a monument as is reasonably possible and, if practical, the Illinois license number of the land surveyor who records the monument record shall be affixed securely to the top of the monument at the public land survey corner. When it is not practical to affix the land surveyor's Illinois license number on the monument, the number may be affixed to one of the reference points.
- f) As a minimum the monument must be a standard weight steel pipe, one-half inch diameter, 30 inches long or a solid steel rod one-half inch diameter, 30 inches long.
- g) Should the monument fall on a concrete surface, a survey marker permanently anchored into the concrete is acceptable. Should a stone be found and the size is such to make it reasonably permanent, it should remain and ferrous material be placed over or adjacent to the monument to facilitate its recovery.
- h) Pursuant to Section 3.04 of the Land Survey Monuments Act, "accessory" is defined as *any physical evidence in the vicinity of a survey monument or position thereof, the relative position of which is of public record and which is used to perpetuate the location of the monument....* Ties are considered accessories.
- 1) If monument record ties are found to have a questionable future, make an effort to establish permanent ties and file a new monument record.
  - 2) In an area void of nearby physical tie points, resort to angular ties such as building corners, the centers or faces of chimneys, steeples, water towers or other structures.
  - 3) A description of a tie point shall be as specific as possible and may include such things as:

- A) The exact location on a right of way marker or other square shaped tie, such as apex, northeast corner or center of east face at ground level;
  - B) Chiseled cross on northwest cap bolt of hydrant;
  - C) Back of concrete curb at joint of radius return;
  - D) Chiseled cross on south side of rim on sanitary sewer manhole;
  - E) Southwest corner of concrete foundation; or
  - F) Punch mark on top of west end of 15 inch corrugated metal pipe culvert.
- i) Other considerations when conducting a survey to establish a monument record:
- 1) Lower the monument if it appears to be in danger of being destroyed due to grading, road improvement, cultivation, etc.
  - 2) Make an attempt to contact adjoining property owners to ascertain if the monument is generally recognized and accepted to be the corner in question.
  - 3) Make an attempt to show the adjoining property owners, road commissioner or highway official the location of the monument and supply them with a copy of the monument record for future use.
  - 4) Maintain respect for private property. Do not paint or put nails in or survey ribbon on private property without permission.
- j) The Division is cognizant of the long range public benefit derived by the perpetuation of the public land survey monuments. The Act has no provision that would exempt a particular type of survey from complying with the Act if a public land survey monument is used. Therefore, strict adherence is a legal requirement.

*Ill. Admin. Code tit. 68, 1270 app A*

Amended at 31 Ill. Reg. 1832, effective January 8, 2007

## Approaching Ethics

### Purpose

Ethics is defined as the study of standards of conduct and moral judgment; moral philosophy. The purpose of this course is to provide guidelines for ethical conduct for practitioners engaged in surveying activities.

### Ethics and Morality

Ethics and morality can be condensed into one simple concept that can be expressed using the words “should” and “ought”. Good and right actions are actions that you “ought” to do. Bad character behavior is something that you “should” try not to develop. Ethics is about something a little bit more ambitious than science. It is about the way the world “ought” to be or “should” be. How you, as a practitioner, find out what you ought to do is the subject of this course.

While the terms “ethics” and “morality” have two different definitions in the dictionary, they are most often used interchangeably, without any effort to distinguish between the ideas. You can argue whether something is immoral or just unethical, whether someone has ethics but no morals, or whether ethics is about society, but morality is about the individual. In the end these arguments are moot because both ethics and morality are actually about the same. If it’s true an act is immoral then you ought not to do it. The situation doesn’t change if the act is unethical. It is still something you ought not do. With regard to ethics and morality, you need to find out what the relationship between you and your client or associates should be and how you should act, feel and think toward them based on that relationship.

While it is not necessary to differentiate ethics and morality, it is necessary to distinguish between concepts of ethics (or morality) and legality. There is some overlap between ethics and the law, but they are not always congruent. In certain instances, an act may be illegal but ethically acceptable. Exceeding the speed limit to rush someone to a hospital in an emergency is a good example. If ethics and legality were the same thing, all laws would be ethical, and all ethical acts would be permitted under the law.

### Arguments for Being Ethical

The most basic question posed as a result of a study of ethics is: “Why be ethical?” There are two basic responses:

1. Ethics pays off. It is in a person’s self-interest to be ethical. An ethical person can develop a much richer relationship with colleagues and clients because people trust the ethical person to do what is right.
2. Ethics is required in order to live a life of integrity...to do what is right. Two features of integrity stand out:
  - a. Internal integrity which involves a state of wholeness or completeness. A person has a strong sense of who he or she ought to be.
  - b. External integrity which points to the need of making sure that the principles, character traits, or behaviors that compose a person’s ideal way of living are the right ones.

## Living the Ethical Life

Creating an ethical life plan is important because making a commitment to being ethical is important. The following steps or actions constitute a start down the ethical path.

1. Take stock. Identify your current customary practices and ethical intuitions by doing the following:
  - a. Determine your mindfulness by being aware and knowing what you do, what you think, and how you ethically feel about things.
  - b. Identify what your moral intuitions and beliefs are because they form your moral core.
2. Build your moral framework. Be mindful of your intuitions and use them to identify the ethical theory that most closely approximates your way of thinking.
3. Identify where you need to go. Once you have solidified your intuitions and developed a solid moral core, you may have to do things you do not currently do in order to establish an ethical life plan. Similarly, you may need to reject some of your current habits.
4. In summary, figure out who you need to be and make sure you follow through, assuring that your life plan and actions reflect your core intuitions and values.

### A matter of opinion.

Many discussions pertaining to ethics end by concluding that “It’s just all a matter of opinion”. Three theories that support this thought include: (1) subjectivism, (2) cultural relativism, and (3) emotivism. Many philosophers have found those theories to be seriously flawed because they do not stand up to scrutiny when closely examined.

Subjectivism says that ethical statements really are just statements of personal opinion and nothing more. This seems to entail that a person is completely infallible about ethics and, as most of us know, this is not always true.

Cultural relativism is the ethical theory that says right and wrong are relative to one’s culture and that no one universal ethical standard transcends culture. This approach is usually intended to promote tolerance of other cultures. Problems associated with this theory include the definition of culture, the lack of toleration of other cultures, and the fact that the term itself is contradictory.

Emotivism is the view that ethical standards are really just expressions of emotions and not statements of fact. To describe all the ethics as expressions of emotions involves saying one of two things:

1. Rational arguments about ethics do not make sense.
2. Somehow, expressions of emotions can be part of the argument.

The flaw in emotivism is that: (1) people make rational ethical arguments all the time and, (2) it is not clear how expressions of emotions can be part of arguments.

## Ethical Theories

Ethical theories are ways of understanding what human beings ought to do or be. A total of five major ethical theories have been identified and will be briefly discussed in this section.

### Virtue Ethics

According to virtue ethics, what is most important to ethical life is the commitment to being a good and virtuous person. Virtue ethics is concerned more with character and less with actions or rules. To become a virtuous person you have to dedicate yourself to being an excellent human being. When you ethically focus on character, you hope that you and the people around you have admirable character traits such as honesty, courage, or loyalty. Virtue ethics stresses the fact that character, whether good or bad, defines a person. Clearly, some character traits are good and others are bad. Good character traits are called virtues and bad traits are called vices. The more virtuous traits you have, the more admirable you are as a person. Caring about developing the right character is a non-stop challenge at all times...it is a way of life. The moral of the story in virtue ethics is that life has no ethical-free zones.

### Utilitarian Ethics

Consequentialist theories stress the importance of focusing on the consequences of a person's actions. The most popular consequentialist theory is called utilitarianism which argues that, if you can increase the overall happiness of the world in some way, then you should. Consequentialist ethical theories separate right and wrong actions by focusing on the degree of good (or bad) consequences the actions produce. Utilitarianism is the form of consequentialism that evaluates consequences by how much happiness, or conversely, how much suffering they contain. Think of utilitarianism as the consequentialist theory in which good consequences are defined in terms of happiness and suffering.

### Kantianism - The Ethics of Principle

The 19<sup>th</sup> century philosopher, Immanuel Kant, laid out the framework for an ethical theory arguing that all the answers to ethical questions can be found in principles determined by practical reason. He thought that one single, supreme underlying principle, which he called the categorical imperative, gave rise to all other ethically important principles. He thought this underlying principle was accessible to everyone using something called practical reason, or rationality. This is the root of Kantian ethics, which Kant believed separates human beings from all other animal species. Since Kant's ethics are based on principles, it is important to differentiate principles from rules. Essentially, rules are a set of guidelines imposed by external authorities while principles are laws you apply to yourself or personally embrace. Kant believed that the principles you live by should be those forged by your own practical reason. So the defining struggle in an ethical life is the battle between two forces that motivate human actions.

1. Inclination. Acting from inclination is when you are motivated by what you naturally want to do. Inclinations are your natural habits.
2. Duty. Acting from duty is when you are motivated by the principle forged by practical reason. When your own rationality provides a source of motivation to act, you are doing



something for the simple reason that it is the right thing to do. Kant calls this acting from the motive of duty.

## Contract Theory

A type of ethical theory called contract theory attempts to base ethics on actual or hypothetical agreements between human beings. Essentially, the theory advocates that “the right thing to do” does not depend on consequences or principles or virtues but, instead, on agreements between people. In other words, ethics literally does not exist until people enter into certain agreements about what one person can do to another person. This way of thinking about ethics is known as the contract theory. The word “contract” can be confusing because what immediately enters people’s minds is signing a piece of paper. However, in addition to written contracts, there are verbal agreements. These verbal agreements are made with a handshake and, simply, a tacit understanding. Contract theorists take implicit contracts more as models of written contracts. At their essence, contracts are just agreements between people who act in certain ways. Most contract theorists do not care to model ethics on contracts people make, because these contracts may be exploitative. Rather, they focus on the contracts people would make if they were thinking rationally. Ethics thus depends on the best contracts people could possibly make with one another.

## The Golden Rule: Common Sense Ethics

This ethical theory is nothing more than the act of embracing the Golden Rule. In other words, treat others as you wish to be treated. The Golden Rule and its many variations have endured for many centuries. It has such endurance because of many redeeming qualities, including the following:

1. It appeals to common sense
2. It is short, clear and simple
3. It builds on motivations and feelings people already have
4. It has an obvious and immediate practical importance.

The Golden Rule has endured for many thousands of years because of the following reasons, which are based on the rule’s redeeming qualities.

1. It is easy to learn and understand. Ethics can involve complicated reasoning, but the Golden Rule makes it easy to explain why an action is right or wrong.
2. It makes sense. The Golden Rule has the advantage of being truly commonsensical to people regardless of their particular cultural, religious or historical background.
3. It motivates people. Successful ethical approaches tend to succeed in building onto motivational structures and desires that people already possess.

4. It helps maintain civilized society. If you want to live in an efficient and orderly society, widespread use of the Golden Rule is crucial. In fact, most actions leading to social unrest, chaos, or fear spring from a rejection of the Golden Rule's way of thinking.

Ethical theories can sometimes get really complicated. With the Golden Rule, all you need to do is view a situation from how someone else would see it before you act.

## Serving the Public and Professional Ethics

### Exploring the Ethics of Work

By and large, ethical responsibilities at work are a lot like ethical responsibilities in the rest of life. After all, deception, coercion, and harm are just as wrong in the workplace as they are in your home or community. When people enter the workplace, they don't step into a magical portal where anything goes. In fact, in the professional workplace, some jobs require even more of you from an ethical standpoint. What these additional responsibilities are depends on your job or profession.

Some people even choose lives where they're called to use their professional skills on their days off. For example, doctors may receive patient care questions in the middle of the night, lawyers unexpectedly may have to go to court to oppose motions, journalists may have to drop everything to cover a story when it occurs, and so on. You never really "go home" from work in some professions.

In addition to living up to standards in your personal life, professional ethics may require you to go above and beyond the call of duty. So as a professional, your job may require you to follow more specific and difficult ethical standards. Don't make the mistake of thinking professionals can live outside of ethics. Professional work can actually be a lot more ethically demanding than the rest of life.

### Knowing the difference between jobs and professions

Sometimes work is just work – it simply pays the Williams. This is often the case when one's job doesn't have a lot of effect on other people's lives. But, of course, there is no job that has *no* effect on people's lives.

But in some jobs, society expects more care from the people who take them on, and this is where professional ethics take the stage. A doctor, for instance, must operate with more meticulous standards than a grocery store checkout clerk. This assessment isn't meant to patronize grocery store clerks, but it's clearly a slightly less demanding job than being, say, a brain surgeon.

The jobs that require higher standards of conduct generally are called *professions* as opposed to simply *jobs* or slightly more complicated *trades*. But defining a profession as simply "not a job or a trade" isn't enough. The definition needs to explain what it is about professions that make them so special.

Here are some principal characteristics that make professions unique from jobs and trades:

- Professions require significant amounts of training.

- The training generally requires some significant intellectual component.
- Professional work provides an important service to society.
- Professionals have a great deal of latitude to exercise their skills to protect the public.
- Often a profession fosters the networking of large groups of other professionals in the field, leading to the creation of professional societies (like the American Medical Association for doctors). These societies usually are in charge of fashioning the profession's ethics code and credentialing newcomers to the field.

Professions aren't inherently better, more difficult, or nobler than other jobs. But the necessary place professions occupy in society allows professionals to cause much more harm than the average job or profession. This risk means any reasonably complex society just wouldn't function very well without professionals acting ethically.

### [Exploring the relationship between professions and society.](#)

Professionals tend to have higher ethical expectations than individuals who work in trades or some other kinds of jobs for a couple of important reasons, which we discuss in the following two sections.

#### **Professionals tend to earn higher salaries and status levels.**

Societies tend to pay professionals more because it's quite expensive to become a professional in the first place. (The many years of schooling and training aren't cheap.) They also receive a fair amount of status when becoming professionals – people in a society look up to and trust the people who hold these positions. However, in return for these Jamesefits, society expects competence and ethical behavior on the part of professionals.

#### **Professionals tend to have more power and need more scrutiny.**

Because of the higher salaries, professionals are expected to exercise their roles responsibly.

In addition to responsibilities, professionals often gain rights and privileges to do what no one else in society can do. Try getting a permit to build a skyscraper in lower Manhattan. No matter how well you argue a case in your living room, you're not allowed to legally argue a case in a court of law without a license to practice law.

In other words, professionals experience a higher level of regulation in their work, because their potential impact on society is so great. But for all the societal hurdles professionals jump, they need society just as much as society needs them.

Most professional practices can be regulated by law, but the law can't be in every professional's office. As a result, the professions have a duty to police themselves and hold their members accountable for unethical behavior.

## Walking the line: What professionals are required to do

Professional work can be a bit daunting because of the tremendous power and responsibility society gives to a professional. And with these extra responsibilities and rights come difficult ethical decisions.

Sometimes ethics requires professionals to do things that would be considered ethically wrong for nonprofessionals. In the U.S. justice system, for instance, a defendant is innocent until proven guilty and has the right to representation. This right holds even if the person is obviously guilty (even if hundreds of people saw the crime). Professional defense attorneys are ethically obligated to present the best possible case for their client – even if this defense is flying in the face of well-established facts. Furthermore, prosecutors in legal cases are required to share evidence with the defense even if it would strengthen the defense’s overall case. Outside of those professions, such codes of appropriate behavior may seem a little odd.

Even when they aren’t required to do things that breach traditional ethical standards, professionals often are required to go above and beyond what nonprofessionals would do. When building infrastructure, for example, this requirement is put in terms of a “safety factor” that exceeds what the project needs in order to do the job. Engineers and surveyors building bridges, for instance, one can’t just build a bridge that will get a car from one side of the river to the other. They must account for hundreds of thousands of cars over many years with all sorts of different weather conditions. If you can build a shed in your backyard that can withstand an earthquake, good job. But engineers regularly have to worry about the worst earthquake ever to hit an area and design something that can withstand twice that kind of force.

## Examining two general problems in professional ethics

Although different professions have different professional responsibilities, all professions share a commitment to some general points of ethics. The following sections cover two of the more important ones.

### 1. Working for two masters: Conflicts of interest

Professionals often find themselves in situations where they can enjoy benefits not available to the regular public. When someone’s work stands to serve an interest in conflict with their obligation as a professional, that person is experiencing a *conflict of interest*.

Conflicts of interest are problematic for professionals because they threaten to undermine the impartial, trained judgments that make professions so beneficial to society. The most common type of conflict of interest is when a professional is offered gifts or monetary bribes to sway his or her expert judgment. Professionals are better off by avoiding conflicts of interest because they must maintain the integrity of their professional judgment.

Not all conflicts of interest are quite as evident as accepting money or gifts as a bribe. Some conflicts are more subtle. Say, for instance, that Lisa is a counselor who does individual therapy. One of her clients is James, who she has been seeing every week for the last few years. Over time, Lisa has to make sure that she doesn’t grow too friendly or romantic with James. If she does, her impartial judgment about what is best for him may come to conflict with her friendly or romantic feelings for him. Even if she believes she could manage to keep her professional judgment separate

from her professional feelings, she has a duty to                   recuse herself and refer him to another counselor.

Of course, in certain cases a professional may experience a conflict of interest and still behave ethically. Sometimes engineers, for instance, work in such extremely specialized areas that they really may be the best people to design and police the safety of a project. This situation occurs a good deal in the defense industry where contractors and the government work closely on carefully guarded secrets, and the government just doesn't have enough knowledgeable people to go around.

Even when a conflict of interest won't necessarily lead to compromised professional judgment, professionals always should disclose the conflict to both                   interests. A conflict of interest itself may not always be the death of professional judgment, but hiding conflicts almost always signifies that something dubious is going on. At least, when conflicts are disclosed, the people to whom they're disclosed can monitor a professional's judgment for any sign of corruption.

## 2. Whistle Blowing: Tattling or Protecting?

Professionals rarely are lone wolves. Doctors work in groups or for                   hospitals. Lawyers can practice individually, but usually work alongside one                   another in firms. So when the organization a professional works for does                   something unethical that needs to come to light, plenty of people may feel an obligation to disclose the information to outside sources. When people bring these bad practices to light without the company's permission, it's called *whistle-blowing*.

Imagine that John is a lawyer working for a large car company. He comes                   across documents that show that a model sold by the company fails far more crash tests than is allowable under federal law. Furthermore, John takes the                   documents to his supervisor, who dismissively tells him not to worry about it and                   tucks the documents under his desk. After seeing this, John goes to his supervisor's boss, but she also declines to take any action. If you were John, what do you think your ethical responsibilities are: If the danger to the public is serious enough and the company really is acting illegally, John's duties as a professional may require him to disclose the information outside the company's chain of command. His duty to the public and his profession can outweigh his duty to his employer.

Disclosing information about unethical activity may sound fairly easy, but in real life,                   the decision to blow the whistle is anything but simple. Generally, a                   professional is obligation to blow the whistle when

- a. The harm or ethical wrongdoing is serious in nature and will                   continue if not made public
- b. The professional has exhausted all reasonable procedures for solving the problem within the organization
- c. The professional has enough evidence to make a plausible case to the public

Whistleblowing can be noble and ethically necessary, but that doesn't mean that whistle-blowers always are celebrated as heroes. Although the public may be thankful, whistle-blowers often are met with anger and silence from their colleagues and the industry. They're seen as violating a bond of loyalty and a duty of confidentiality to one's team. Even though the law protects whistle-blowers in most cases, they often find it difficult to work in the same organization or industry after blowing the whistle. Professional ethics suggests that a duty to public safety comes first, but it can be difficult for organizations to appreciate disloyalty, even when it happens for the public good.

## Analyzing the Diversity of Professional Ethics

Professionals share many duties, but each also has its own specialized set of ethical concerns. Each profession has a different role to play, and with those different roles come different responsibilities. For example, doctors and surveyors share a commitment to preventing harm, but they fulfill that commitment in different ways. The following section will briefly discuss some of the important ethical responsibilities in the surveying profession.

## Ethics Can Be Hard

The definition, practice and enforcement of ethical behavior is difficult. Pretending otherwise sets the profession's members up for failure. There are many reasons why the practice of ethical behavior is difficult. Recognizing this as land surveyors is essential and admitting this is hard can start conversations about the best ways to deal with tricky ethical problems. Below are listed the reasons why the practice of ethical behavior is hard. Included are short examples or explanations with each reason. The 3 most important reasons why ethics are hard are at the end of the list.

### Reason #1: Professional ethics aren't adequately covered in our education as land surveyors.

There is very little talk about ethics in the surveying profession and this needs to change. This is true in the education of land surveyors. Many surveyors have only a single ethics course in their college education, and they may not learn about ethics at all. The limited discussion of ethics during education leaves many land surveyors completely unprepared for their first major ethical challenge in real life practice.

Practicing land surveyors rarely hear ethics discussed at their professional conferences. If ethics does appear on the conference program, the discussion is usually limited to a short discussion of idealized situations. In these idealized situations, the ethical course of action is always easy and obvious. This isn't what happens in the real world.

### Reason #2: Land surveyors downplay the complexity and conflicting interests of ethical challenges.

Many times, sitting in a class with discussion about ethics can be disappointing. The instructor often

downplays the complexity and conflicting interests of the ethical challenges faced in real life. Ethics isn't always black and white or cut and dry. Imagine, for a few moments, a class on land surveying ethics that examines the following scenario:

*A land surveyor has prepared a boundary survey showing the boundary resolution of a client's parcel. The area of the parcel as shown on the survey is just under the amount required to subdivide the parcel. The owner of the company that employs the land surveyor instructs the land surveyor to move one of the parcel boundary lines into the neighboring lot until the parcel exceeds the minimum area requirement.*

The above scenario is an over simplified example of an ethical challenge. The right decision in this situation is crystal clear. The act of dishonesty and the innocent party the surveyor will harm if he follows instructions are easily identified. The scenario as described also has a convenient villain. This simple example may have some limited value in demonstrating ethics for the land surveyor. Therefore, a more complex situation would be closer to the reality most land surveyors face.

Many times teachers of land surveying ethics can fall into the trap of self-righteousness. In this trap, land surveyors make it seem like the right decision is always clear. They attribute evil motives to surveyors that don't always act as they would. This arrogance turns off their audience and prevents thoughtful consideration and discussion.

### Reason #3: Land surveyors can become trapped in a downward spiral of unethical behavior.

This downward spiral of unethical behavior occurs most in the relationship between an employer and employee. (This can also occur between business partners.) A poor ethical decision by one party (or a perceived offense) results in retaliation by the other party. This tit-for-tat behavior evolves into a downward spiral of unethical behavior by both parties. Here is an example:

*Jonathan, the owner of a surveying company, suspects Victor one of his licensed surveyors, is performing small surveys (like elevation certificates) for Jonathan's clients. He believes Victor is performing these surveys on the weekend with company equipment for cash payments. When Jonathan confronts Victor about the moonlighting, Victor denies any involvement.*

*To punish Victor, Jonathan cuts his workload and gives Victor days off each week without pay. This has an immediate impact on Victor's pay check. Victor soon takes a surveying job with one of Jonathan's main competitors. Victor doesn't give Jonathan any advance notice before quitting. In addition, he takes a set of survey records from Jonathan without permission. Jonathan begins to tell exaggerated stories about Victor to professional acquaintances. This includes accusations that Victor stole cash from the petty cash drawer and sold*

*private company records to other surveyors. Victor then convinces a field crew working for Jonathan to work for his new employer.*

It is easy to see from this example how quickly tit-for-tat retaliation can lead to a spiral of unethical behavior. In the example we considered, it would be especially tragic if Victor hadn't been moonlighting, or thought he had permission to perform the small surveys because he misunderstood previous conversations with Jonathan about side work.

#### Reason #4: Enforcement of ethical behavior is difficult.

The enforcement of ethical behavior by professions can be difficult too.

The enforcement of ethical behavior requires the enforcer to have the same special body of knowledge and special set of skills as the profession. If this isn't true, efforts at enforcement can be clumsy and cause more harm than good.

Enforcement of ethical behavior by land surveyors is difficult for other reasons. These reasons include:

- 1) The evaluation of ethical behavior often requires moral judgment. There may not be clear rules that enable consistent moral judgments.
- 2) It is often hard for the enforcer to collect clear evidence about the behavior of the land surveyor accused of bad behavior. The complexity of the situation in which the violation occurred, the number of parties involved, and the amount of time passed since the alleged violation all make it harder to gather good evidence.
- 3) Land surveyors that become aware of unethical behavior by a friend or peer may be reluctant to report the violation to the enforcer.
- 4) A professional's clients aren't expected to be experts. They may remain ignorant and unaware of a professional's unethical behavior.
- 5) The land surveyor that should be responsible for a violation isn't always clear.

Here is an example that illustrates the difficulty of enforcing ethical behavior:

Mark worked as a land surveyor for Jack, a civil engineer. Jack told Mark to set iron pipe monuments (with Mark's surveyor number) on the parent parcel boundary of a land subdivision. Mark refused to set his monuments because he and Jack hadn't completed a proper boundary survey of the parent parcel.



Jack then instructed Mark to set unmarked iron pipes on the parent parcel using the deed dimensions. Mark performed the work because he wasn't setting his own monuments. Jack filed the land subdivision and his client sold the lots. Lot owners constructed using property lines measured from the iron pipes Mark set.

12 years later, James, a licensed land surveyor, performs a retracement survey on an adjoining parcel. He discovers the original monuments marking the parent parcel subdivided by Jack and Mark. The original monuments controlling his parcel are several feet from the unmarked iron pipes set by Mark. Mark now owns his own surveying business, and is a good friend of James's. Jack has retired, and now lives in an unknown Florida beach community.

What should James do about the unethical behavior he has discovered? Who is guiltier of an ethical violation, Mark or Jack? How will a licensing board or professional practices committee of the local surveyors association effectively gather evidence after 12 years and Jack's retirement? How does James explain to his client that a mistake by his good friend and another reputable surveyor in the community lead to major encroachments on their property?

## Areas of Ethical Obligation For Land Surveyors

The right course of action in a question of professional ethics isn't always clear. One factor that clouds the right course of action is the obligations a professional land surveyor has to multiple parties. These parties include the surveyor's client, employer, employees, business partners, the general public, the surveyor licensing board, and the profession. These parties have different priorities and concerns, which often conflict. For example: The surveyor's employer may be concerned about controlling the labor cost on a project for a client, while the client is concerned about the quality of the survey work product delivered on the project, and the surveyor licensing board is concerned about requirements to file maps in the public record. The surveyor must find a way to properly balance these competing obligations. The surveyor must also learn to tell people "no". It isn't always possible to make all parties interested in his work satisfied. (Saying "no" will be discussed in a future section.) First, is a detailed examination of the different areas of obligation for the land surveyor.

### Obligations To Your Client

Perhaps the most important obligation of a land surveyor is the one they owe to their client. This obligation is important for at least two (2) reasons. The first is that this obligation can be legally enforced through the contract for services between the land surveyor and the client. The second is the clear duties society at large easily recognizes the land surveyor owes to the client. (This clear recognition of duties a surveyor owes to his client is one of the justifications for surveying licensing boards.)

The ethical obligations a land surveyor owes to his client includes the following:

- 1) Creation and delivery of a quality survey work product.
- 2) A good faith effort to deliver the survey work products on time.
- 3) A good faith effort to deliver the survey work products for the agreed price.
- 4) A good faith effort to fully execute the agreed upon scope-of-services.
- 5) Clear and regular communication with the client. (This is especially important when encountering unexpected problems that may impact the ability of the surveyor to complete the four items listed above.)
- 6) The application of the land surveyor's expertise to accurately communicate risk when the client is making decisions based on the surveyor's work or advice.

### Obligations to Your Employer

The second most easily recognized obligation a land surveyor has is the one owed to his employer. (Although this obligation to an employer is easily recognized, it isn't as important as the land surveyor's obligation to the public. This obligation to the public is harder for the common person to understand. We talk more about the land surveyor's obligation to the public below.) Although most surveyors don't have a contract or other legal document outlining their duties to their employer, the legal system in the United States recognizes obligations of employees to their employer. In addition, land surveyors may owe additional duties to their employers because of their status as licensed professionals.

The ethical obligations a land surveyor owes to his employer includes the following:

- 1) The performance of diligent and thorough work.
- 2) Attention to detail.
- 3) Honesty about her skills and competence. (This is especially important when the employer is deciding how to assign tasks or is making decisions about what type of work to pursue.)
- 4) Making a good faith effort to bring assigned projects in on budget and on schedule.
- 5) Communicating potential risks in a project (for the employer and for the client).
- 6) Explaining the requirements of the law (as it relates to land surveying) to a non-surveyor employer.
- 7) Making reasonable efforts to protect the organization's interests. (For example: Not sharing confidential information about the organizations strategy, resources,

methods or employees that would result in harm to the organization.)

### Obligations to Your Employees

Land surveyors often supervise several technical employees. This can include land surveyors in training, drafters, and field crews. A land surveyor that supervises other employees has an extra set of ethical obligations. These obligations primarily deal with the land surveyor's treatment of the people working under her direction and care. These obligations are especially important for land surveyors that own or control a business.

The ethical obligations a land surveyor owes to his employees include the following:

- 1) Only asking an employee to perform work in an area of competence, and for which they have been adequately trained.
- 2) Providing an appropriate amount of supervision as tasks are performed.
- 3) Providing an appropriate amount of review for survey work products prepared by her team.
- 4) Providing fair compensation. (This includes paying prevailing wages and overtime when required. It also includes not abusing salaried team members by asking them to work a large number of hours for which they are not compensated.)
- 5) Making sure team members (especially field crews) have the equipment and training to work safely.
- 6) Making sure team members aren't asked by anyone to be dishonest or perform tasks that are illegal.
- 7) Providing team members with honest assessments about workload, professional development, and opportunities for advancement.
- 8) Providing training and mentoring when requested.

### Obligations To Your Business Partners

Land surveyors in both public and private practice regularly engage with business partners. These partners could be fellow surveyors, or they could be other professionals like land attorneys or land title specialists. The land surveyor must consider a special set of ethical obligations when dealing with his business partners.

The ethical obligations a land surveyor owes to his business partners includes the following:

- 1) The provision of a fair contract with reasonable terms. (The land surveyor shouldn't

- ask a business partner to sign a contract she wouldn't sign herself.)
- 2) An honest assessment about the obligations, risks and rewards of any business opportunities.
  - 3) Fair and appropriate sharing of work to all members of a business team or joint venture.
  - 4) Honest ownership of responsibility for problems on a project.
  - 5) Prompt payment for work performed.

### Obligations To Your Profession

The land surveyor should feel ethical obligations to the profession. The fulfillment of these obligations strengthens the profession from which he benefits, and from which future land surveyors will benefit.

The ethical obligations a land surveyor owes to his profession include the following:

- 1) Avoiding actions or behavior, both inside of business and outside, that would damage the reputation of the profession or destroy the public's trust in the profession.
- 2) Not condoning the illegal or unethical behavior of fellow land surveyors.
- 3) Mentoring and training of future land surveyors.
- 4) Participation in and support of professional associations that often tackle problems impacting land surveyors. (For example: Encouraging preservation of monuments during construction projects.)
- 5) Providing help and support to fellow professionals and their families in a time of hardship or crises.

### Obligations to the Public

A land surveyor's obligations to the public are the most important obligations he has. This is especially true because of the special trust our society, our legal system, and other professionals give to land surveyors. It is critical that the land surveyor not put the selfish interests of himself or his employer above the welfare and safety of the public.

The ethical obligations a land surveyor owes to the public include the following:

- 1) A good faith effort to perform his tasks in a diligent and careful manner, in accordance with the principles and methods she personally believes are the current best practice. (This requires an effort to be familiar with new technology, new methods of land

surveying, and new laws or regulations that impact the profession.

- 2) A good faith effort to mark property boundaries in a manner that treats all owners that share those boundaries in a fair way.
- 3) A good faith effort to make sure his role in construction projects doesn't compromise safety.

## Ethical Considerations For The Boundary Survey Map Review Process

### Introduction

In this section of the course ethical considerations for land surveyors during the map review process will be discussed. Provided will be a brief overview of the map review process, identification of the roles of the land surveyors involved in the process and understanding the ethical considerations for each role.

### What Is The Map Review Process?

In most jurisdictions of the United States land surveyors have a requirement to file copies of their boundary surveys with a local government agency. (In some jurisdictions this is only required if the survey hits certain triggers. For example: In California one must file a copy of their boundary survey with the County Surveyor if their parcel was created by deed and hasn't yet been shown on a filed boundary survey map.) Most of these jurisdictions with a map filing requirement have also legislated a process to review the map before it is filed. The intent of the review process is to correct errors and to ensure the map has all the elements required by the law that requires it to be filed. (For example: In California, boundary survey maps must have a 1-inch margin of whitespace, a north arrow, and a scale. They must also show "data necessary for the intelligent interpretation of the various items and locations of the points, lines, and areas shown, or convenient for the identification of the survey or surveyor". [California Business and Professions Code – Section 8762])

### Who Is Involved In The Map Review Process?

Several different surveyors can be involved in the map review process. Here are the roles of those surveyors:

- 1) There is a land surveyor who is preparing the boundary survey map and submitting it for review and filing.
- 2) There is a land surveyor (who normally works for a local government agency) that is reviewing the boundary survey map in accordance with the process defined by law.
- 3) There may be a land surveyor who employs the surveyor filing the map.

## Ethical Considerations For Each Role In The Map Review Process

What are the ethical considerations for each role in the map review process? Each role has different obligations as defined by the law that sets up the requirement to file the map. Each role also has obligations that derive from mutual professional respect and professional courtesy. Discussed below are the ethical considerations for each role.

### Ethical Considerations For The Land Surveyor Who Is Preparing The Boundary Survey Map

What ethical issues should be considered by the land surveyor who is preparing the boundary survey map? These issues fall into two (2) broad categories. The first is related to showing professional respect for the land surveyor reviewing the map. The second is related to an honest portrayal of the actual work performed.

The land surveyor preparing the boundary survey map should show he values the reviewer's time, effort, and technical experience. How can the land surveyor preparing the boundary survey do this?

- 1) The land surveyor preparing the boundary survey should make sure each submittal to the reviewing surveyor is accurate and complete.
- 2) The land surveyor preparing the boundary survey should reply promptly to requests made by the reviewing surveyor.
- 3) If the land surveyor preparing the boundary survey map disagrees with the reviewing surveyor on revisions that need to be made to the map, he should explain his disagreement respectfully and in writing.
- 4) The land surveyor should make reasonable revisions requested by the reviewing land surveyor, even when these aren't directly required by law, when doing so won't present a heavy burden.

The land surveyor preparing the boundary survey map should also make sure her map provides an honest portrayal of the actual work performed. This includes the following:

- 1) Only showing monuments as found if they were found during the field survey.
- 2) Only showing "search for nothing" at property corners where a diligent search for evidence of the corner monument was performed. (Details of the type of search and level of effort should also be provided.)
- 3) Clearly showing all evidence discovered during the research or field survey, including evidence that might support a boundary resolution that is different from that ultimately shown on the map.
- 4) Making a clear distinction between hard facts, evidence, and professional opinion.

### Ethical Considerations for the Land Surveyor Reviewing The Map

What ethical issues should be considered by the land surveyor reviewing a map submitted for filing by another land surveyor?

The ethical considerations for land surveyors reviewing a map can be grouped into 4 main categories:

- 1) The scope-of-review.
- 2) The effectiveness of the review process.
- 3) The identification and disclosure of potential conflicts.
- 4) The proper supervision of the review process by technical staff.

Each of these four (4) categories will be discussed briefly.

The reviewing surveyor should be careful to ensure the review doesn't exceed the scope allowed by the law. In most jurisdictions, the elements of a boundary survey map subject to review by the government agency are limited by law. (For example: In California the County Surveyor isn't allowed to require the modification of survey methods or judgements made by the filing surveyor during his boundary resolution.) If the reviewing surveyor is going to provide comments on issues outside the legally permitted scope-of-review, she should clearly indicate which review comments are in scope and which are simply suggestions or helpful comments. (One can benefit a great deal from review comments on maps by County Surveyors, and it is good to welcome them to provide feedback on items that are outside the legal scope-of-review.) It is very easy for a reviewing surveyor to exceed the legal limits on the scope of review, especially when he has strong differences of opinion with the land surveyor preparing the map.

The reviewing surveyor should remember the surveyor preparing the map is complying with a government mandate that in most jurisdictions is unfunded. (In other words, the filing surveyor and his client are bearing the cost of the government mandate.) As a result, the reviewing surveyor has an obligation to make the map review process efficient. Too many reviewing surveyors or their government agencies view the map review process as way to fund team members, equipment, or software.

This is not allowed by most legislation mandating the public filing of boundary survey maps. In many places, this enabling legislation often places strict limits on the fees that can be charged for review of the map. (For example: In California, the map review fee is limited to \$100 unless a larger fee is approved by local ordinance. Even if a local ordinance authorizes a larger fee, the fee must be fixed and justified by a study of the actual costs of map review.)

How can the reviewing surveyor keep the map review process efficient? This can be done by:



- 1) Providing all the review comments on the first submittal.
- 2) Ensuring consistency between checks of different submittals of the same map and between checks of different maps.
- 3) Not exceeding the legal scope-of-review.
- 4) Allowing for digital submittals for preliminary copies of the map.
- 5) Promptly and clearly communicating with the surveyor preparing the map.
- 6) Placing guidelines and suggestions for the preparation of maps and a description of the jurisdictions map review process in writing.

The reviewing surveyor should clearly identify and disclose any potential conflicts that can arise during the map review process. This issue of conflicts most frequently arises when a local agency has contracted with a private surveying company to handle map review. This can lead to situations where a reviewing surveyor is asked to review a map prepared by his own company, or to review a map prepared by one of his direct competitors. These conflicts should be identified early in the process and extra care should be used to avoid suspicion of the map review process.

Conflicts can also occur with map review performed by a land surveyor primarily employed by a public agency. This can occur when the reviewing surveyor has a property interest in the subject parcel or adjoining parcels shown on a map, or when he has a close relationship with someone that does. It can also occur when the reviewing surveyor has a business relationship with the organization preparing the map or the organization for whom the map is being prepared, or has a close relationship with someone that does. While it is true these conflicts can't always be avoided (the surveying community is often small and tightly knit), extra care is needed in these situations.

The final ethical consideration in which a reviewing land surveyor needs to exercise care is in the supervision of staff. In most jurisdictions the map review process must be supervised by a licensed land surveyor. However, the actual map review is frequently performed by technical team members that support the work of the licensed land surveyor. In this case, the reviewing land surveyor has an obligation to the filing surveyor to ensure consistent, accurate, and legally appropriate comments are provided by his team members. Under no circumstance would he allow a map to be reviewed without some personal involvement on his part.

#### Ethical Considerations for the Land Surveyor Employing The Surveyor Preparing The Map

What ethical issues should be considered by a land surveyor who employs or supervises other land surveyors that are preparing a boundary survey map to be filed? These issues include the following:

- 1) Making sure the surveyor preparing the boundary survey map has adequate resources. This could include technical support, time, and budget. It is never ethical to pressure a land surveyor to cut corners on preparation of a map



because of budget concerns. Nor is it appropriate to demand a salaried land surveyor to work on a boundary survey map outside of normal working hours because of budget concerns.

- 2) Allowing the land surveyor preparing the boundary survey map a reasonable amount of room in matters of professional judgement, such as the method of boundary resolution. If the supervisor wants to dictate every detail of professional judgement on the map, she should put her own signature and seal on the document. If she doesn't have a land surveyor license and wants to dictate every detail of professional judgement on the map, she should get one. There needs to be room for some give and take in this aspect, as the employer is likely paying for the professional liability insurance that protects the land surveyor preparing the map.
- 3) Understanding the land surveyor preparing the boundary surveyor map often has little control over the requirement to file the map. This requirement is usually defined in state law and automatically triggered during a land surveyor's work on a project. The filing is usually not voluntary. This issue can be especially sticky when the supervisor of the land surveyor who needs to file the boundary survey map is a non-surveyor.

## How Land Surveyors Monitor Ethical Performance

How does society monitor ethical performance of land surveyors? As we mentioned earlier in the course, one primary characteristic of a profession is the desire to self-regulate. Land surveyors have developed a couple of different ways to regulate members of their own profession. But the ethical performance of land surveyors is monitored in other ways. In this section of the course, we will discuss the following methods of monitoring ethical performance by land surveyors:

- 1) Self-regulation.
- 2) Requirements of state law.
- 3) Requirements of the common law (contracts and professional liability).

## Self-Regulation of Land Surveyors

How do land surveyors self-regulate? This is primarily accomplished through three vehicles. The first is through professional associations. The second is through professional reputation. The third is through the requirements of state law. All three are effective at monitoring ethical performance for different reasons, and all have their shortcomings.

### The Enforcing of Ethical Performance By Professional Associations

Most land surveyors voluntarily become members of one or more professional associations. These could be associations at the state or national level, and for private or public sectors. (For example: It is good to be a member of a state association of land surveyors for both the public and private sector. It's also recommended to be a member of a national association of land surveyors in private practice.) These professional associations tend to monitor ethical performance in 4 ways:

- 1) They have a code of ethics or professional behavior that members agree to adhere to.
- 2) They have committees or groups that monitor ethical performance by association members.
- 3) They have a process to discipline or expel members that violate the code of ethics.
- 4) They educate their members on ethics, rules, and regulations that govern their work.

As an example, the local chapter for a state land surveyor association has two committees that deal with ethical issues. The first is the Professional Practices Committee. This committee seeks to educate surveyors who have violated the law or the ethical code of the association. The second is the Monument Preservation Committee. This committee deals specifically with ethical issues related to the intentional or negligent destruction of survey monuments.

As mentioned above, enforcing ethical behavior through professional organizations has its challenges. The primary challenge is that participation in a professional association is voluntary. Land surveyors must willingly agree to be a member of the association and be bound by its ethical code. There are some land surveyors who have no desire to participate in a professional association. Another major challenge of enforcing ethical behavior through a professional association is the reliance on a volunteer work force. Unlike a state licensing board, which usually has full time paid employees working on enforcement of ethical behavior, professional associations rely on members to donate their time to activities like the business of a professional practices committee. This limits the amount of time that can be spent on ethics monitoring and enforcement. A final challenge with ethical enforcement by professional associations is the “good old boy” effect. This arises when unethical behavior by one member of the professional association is overlooked by other members in charge of monitoring ethical performance because of the friendship or strong relationship between members.

### The Enforcing Ethical Performance Through Professional Reputation

Ethical performance is also enforced to a small degree by the desire for a good professional reputation. (This desire is also reflected among members of a professional association and plays a role in the associations enforcement of ethical behavior as well.) Most land surveyors are aware of the reputation

they have in the community in which they practice. This is the reputation they have with:

- 1) Other land surveyors in their community.
- 2) Other related professionals in their community.
- 3) The general public.

Many times, licensed land surveyors have changed their mind about a potentially unethical course of action because of their fear about damage to their professional reputation. The desire for a good reputation isn't just a fear of being caught. The desire for a good reputation can also be a positive motivator.

As with other methods of self-regulation, enforcing ethical behavior through professional reputation has its challenges. The primary challenge with this method of enforcement is the reality that a minority of land surveyors have little concern for their professional reputation and will practice unethically for a relatively small financial reward.

#### Enforcing Ethical Performance Through The Requirements of State Law

In most states, ethical performance of land surveyors is required by state law. These requirements can be embodied directly in the code or can be spelled out in the regulations of a licensing board. The licensing board for land surveyors is also an entity of the state government in most states and has the ability to enforce rules of ethical behavior through different types of penalties. (For example: In California, state law directly requires the public filing of boundary survey maps. The regulations of the licensing board require the use of a written contract. The licensing board has the ability to enforce its rules through fines and the suspension of a land surveyor's license to practice.)

State law also governs other aspects of a land surveyors work, and these laws touch on matters of ethics. For example: In California state law mandates a process for creating land subdivisions, including what information the land surveyor has to show on the subdivision map and how she is to mark the corners of eachlot.

#### Enforcing Ethical Performance Through The Common Law

Ethical performance by land surveyors is also enforced through the common law, or the courts in our judicial system. The judicial system primarily enforces ethical behavior of land surveyors through the mechanism of professional liability. In the United States a land surveyor can be sued for behavior that is negligent or fraudulent. If found guilty of this behavior, a court can impose monetary damages that are significant, and in some cases, large enough to bankrupt the land surveying company. The fear of a suit, and the potential for monetary damages that result, act as a constraint on unethical behavior by land

surveyors.

A couple of factors limit the effectiveness of the common law as a mechanism to enforce ethical behavior by land surveyors. The first limiting factor is the habit most land surveyors have of purchasing professional liability insurance. Although insurance premiums are based in part on the number of claims against a land surveyor for bad behavior, they eliminate the likelihood of a suit that will wipe out a business. Professional liability insurance also has the negative effect of spreading the cost of claims against unethical land surveyors to the premiums of land surveyors that practice in an ethical manner. This is hard to avoid, as one of the principle purposes of this insurance is to distribute risk among the pool of insured organizations. The second limiting factor is the difficulty in publicizing court judgements against surveyors that make poor professional decisions. Many land surveyors don't read court cases, and many cases are settled out of court after a claim is made, or at the trial court level, where decisions remain unpublished. Even a notorious case against a land surveyor may only be known in a small local area.

## References

Illinois Board of Professional Engineers & Land Surveyors, Homepage

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PART 1380 THE PROFESSIONAL ENGINEERING PRACTICE ACT OF 1989

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## QUIZ for Illinois Laws, Rules, and Ethics for Professional Engineers

1. In addition to meeting education, experience, and examination requirements the professional land surveyor must become familiar with state law and rules to practice land surveying in any state.
  - a. True
  - b. False
2. "Professional Land Surveyor" means a person licensed under the laws of the State of Illinois to practice professional land surveying.
  - a. True
  - b. False
3. Any person who has been duly licensed as a professional land surveyor by the Department and who chooses to deactivate or not renew his or her license may use the title "Professional Land Surveyor, Retired".
  - a. True
  - b. False
4. A firm or business that offers design services under this Act without being registered as a professional design firm or exempt under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed \$ \_\_\_\_\_ for each offense, as determined by the Department.
  - a. 5,000
  - b. 8,000
  - c. 10,000
  - d. 20,000
5. Upon the revocation or suspension of any license, the registrant shall immediately surrender the license or licenses to the Department and, if the registrant fails to do so, the Department has the right to seize the license.
  - a. True
  - b. False
6. The board shall through rules and regulations require each individual seeking renewal of a certificate of registration as a professional land surveyor to complete board approved continuing education of not more than \_\_\_ hours biennially for professional land surveyors and professional structural engineers.
  - a. 40
  - b. 30
  - c. 20
  - d. 36

7. The Board shall consist of 7 members who shall serve in an advisory capacity to the Secretary.
  - a. President
  - b. Governor
  - c. Secretary
  - d. All of the above
  
8. Registered means the same as licensed for the purposes of this Act:
  - a. True
  - b. False
  
9. The Department may, upon application in writing on forms or electronically accompanied by the required fee, issue a license as a professional engineer to an applicant already licensed under the laws of another state
  - a. True
  - b. False
  
10. It is the responsibility of \_\_\_\_\_ to retain or otherwise produce evidence of compliance.
  - a. The employer
  - b. Each renewal applicant
  - c. The Professional Land Surveyor
  - d. All of the above
  
11. All Board members shall be residents of Illinois. \_\_\_\_ members shall (i) currently hold a valid professional land surveying license in Illinois and shall have held the license under this Act for the previous 10-year period and (ii) have not been disciplined within the last 10-year period under this Act.
  - a. 9
  - b. 6
  - c. 7
  - d. 10
  
12. The Department may investigate the actions of any applicant or of any person or entity holding or claiming to hold a \_\_\_\_\_ under this Act.
  - a. Surveyor degree
  - b. Registration
  - c. License
  - d. All of the above

13. In the event a managing agent is terminated or terminates his or her status as managing agent of the professional design firm, the managing agent and the professional design firm shall notify the Department of this fact in writing, by regular mail or email, within \_\_\_ business days of such termination.
- 5
  - 20
  - 25
  - 10
14. The Department has the power to subpoena documents, books, records, or other materials, to bring before it any person, and to take testimony either orally or by deposition, or take written interrogatories, or any combination thereof, with the same fees and mileage and in the same manner prescribed in civil cases in courts of this State.
- True
  - False
15. Applicants have \_\_\_ years from the date of application to complete the application process. If the process has not been completed in \_\_\_ years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.
- 5
  - 1
  - 2
  - 3
16. Fraud or any misrepresentation in applying for or procuring a license under this Act or in connection with applying for renewal or restoration of a license under this Act carries a fine up to:
- \$5,000
  - \$10,000
  - \$6,000
  - \$2,000
17. A person or entity not licensed or registered under this Act that has violated any provision of this Act or its rules is guilty of a Class A misdemeanor for the first offense and a Class 4 felony for a second and subsequent offenses.
- True
  - False

18. The board shall \_\_\_\_\_ some applications for renewal of a certificate of registration or license to enforce compliance.

- a. Annually audit
- b. Occasionally audit
- c. Randomly audit
- d. Biennially audit

19. Creating an ethical life plan involves:

- a. Taking stock of your current practices
- b. Building your moral framework
- c. Identifying where you need to go
- d. All of the above

20. The thought that ethical statements are statements of personal opinion is known as:

- a. Statements of morality
- b. Subjectivism
- c. Cultural relativism
- d. Emotivism

21. Virtue ethics is primarily concerned with:

- a. actions
- b. rules
- c. character
- d. honesty

22. The ethical theory claiming that the answers to ethical questions can be found in principles determined by practical reason is known as:

- a. Kantianism
- b. Utilitarian Ethics
- c. Contract Theory
- d. The Golden Rule



23. One of the redeeming qualities of The Golden Rule is:
- a. It is easy to learn and understand
  - b. It makes sense
  - c. It has obvious and immediate practical importance
  - d. It helps maintain civilized society
24. A characteristic that differentiates professions from other jobs or trades is:
- a. suitability or desirability
  - b. difficulty
  - c. eminence or renown
  - d. potential for causing harm to the public
25. A situation which leads to a compromise in professional judgment is known as:
- a. disclosure
  - b. a conflict of interest
  - c. a bribe
  - d. whistleblowing
26. The one value that surveying ethics emphasizes over all others is:
- a. technical expertise
  - b. safety and protection of the public
  - c. adequate training
  - d. service to society
27. A profession's ethics code is usually fashioned by:
- a. Laws regulating the profession
  - b. Pressures of society
  - c. Professional societies
  - d. Rules promulgated by the state licensing board

28. When a design's risk of causing harm is agreeable to rational people who use the product the it is known as:
- a fool-proof design
  - a cost-effective design
  - a design having a high safety factor
  - an acceptable risk
29. Why are professional ethics difficult?
- Ethical behavior changes based on the jurisdiction.
  - Land surveyors are regulated by a licensing board.
  - Land surveyors have obligations to multiple parties.
  - The standard for ethical behavior changes over time.
30. What is an area of ethical obligation of a land surveyor to her client?
- An obligation to provide the lowest price for her surveyors.
  - An obligation to communicate the risk in the survey.
  - An obligation to provide the work product ahead of schedule.
  - An obligation to resolve conflicts in the clients favors
31. Who do land surveyors have ethical obligations to?
- Their employer, their licensing board, their profession.
  - Their employer, their client, the general public.
  - Their employer, their client, the land title industry.
  - Their employees, their licensing board, their profession.
32. A land surveyor's obligation to the public includes which of the following?
- To use the newest technology available during boundary surveys.
  - To set all missing property corners on a boundary survey.
  - To correct major problems found during a boundary survey.
  - To mark property boundaries in a way that treats all adjacent owners fairly.

33. Boundary surveying is full of gray areas that provide ample room for the professional land surveyor to bend the rules
- a. True
  - b. False