



**STATE OF RHODE ISLAND AND  
PROVIDENCE PLANTATIONS**

**DEPARTMENT OF BUSINESS REGULATION  
DIVISION OF DESIGN PROFESSIONALS**

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**RULES AND REGULATIONS**  
**OF THE**  
**BOARD OF REGISTRATION FOR**  
**PROFESSIONAL LAND SURVEYORS**

**Promulgated Pursuant to  
Rhode Island General Laws Chapter 5-8.1**

**DRAFT ~ September 10, 2013**

This DRAFT of the proposed “Rules and Regulations” was approved by the Board of Registration in December 2012 and forwarded to the Legal Services division of the Department of Business Regulation for review. A minor revision was approved by the Board in August 2013.

In early 2013, Legal Services undertook the task of ensuring that the procedures for Administrative Hearings were consistent for all boards and commissions within the Department, including the Division of Design Professionals. That task is ongoing.

Still, there are many sections of the Rules, including the Procedural and Technical Standards, which are unlikely to be revised prior to the required public hearing. In the interest of disseminating the broader outlines of the revised Rules to the professional community and to the public at-large, the Board has resolved to make this DRAFT document available for review. Comments can be addressed to the Board via the public hearing process, tentatively scheduled for later this year.

This is a DRAFT document, for review and discussion only. Formal adoption of the Rules and Regulations, as revised, will follow the public hearing.

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF BUSINESS REGULATION  
DIVISION OF DESIGN PROFESSIONALS**

**INTRODUCTION**

These Rules and Regulations are promulgated under the authority of Chapter 5-8.1 of the General Laws of Rhode Island, as amended. They are established for the purpose of describing the practices and procedures of the Board of Registration for Professional Land Surveyors, which is one component of the Division of Design Professionals within the Department of Business Regulation (DBR). It is the function of the Board of Registration for Professional Land Surveyors to regulate the practice of Land Surveying within the State of Rhode Island as defined by the General Laws.

These Rules and Regulations shall supersede any and all previous *Administrative Rules* of the Board that have been filed with the Secretary of State.

Through these rules, the Board of Registration for Professional Land Surveyors (the “Board”) has sole jurisdiction over the licensing and regulation of the practice of Land Surveying, as defined in Chapter 5-8.1 of the General Laws of the State of Rhode Island.

Pursuant to the provisions of Section 42-35-3(c) of the General Laws of Rhode Island, as amended, consideration was given to: (1) alternative approaches to the regulations; and (2) duplication or overlap with other state regulations. No alternative approach, overlap or duplication nor any significant economic impact was identified. Consequently these Rules and Regulations are adopted in the best interest of the health, safety and welfare of the public.

The *Rules and Regulations* were adopted by the Board of Registration for Professional Land Surveyors on this            day of            2013.

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Paul McGreevy  
Director  
Department of Business Regulation

**BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS  
RULES AND REGULATIONS**

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**1. PURPOSE, AUTHORITY AND APPLICABILITY**

- 1.1 Purpose. These rules and regulations describe the practices and procedures of the Board of Registration for Professional Land Surveyors and amend/supersede the provisions of “State of Rhode Island and Providence Plantations Board of Registration for Professional Land Surveyors, Administrative Rules”, as approved on October 14, 2003.
- 1.2 Authority. These rules and regulations are promulgated pursuant to the requirements of Title 5, Chapter 8.1 of the Rhode Island General Laws of 1990, as amended. These rules and regulations have also been prepared in accordance with the provisions of Chapter 42-35, entitled “Administrative Procedures Act”.
- 1.3 Construction
  - 1.3.1 Sections of the “Rules” are referred to sequentially by numbers at the left side of the page.
  - 1.3.2 The terms “rules” and “rules and regulations” are used interchangeably.
- 1.4 References to the Rhode Island General Laws
  - 1.4.1 All statutory references to the Rhode Island General Laws are to the Rhode Island General Laws of 1990, as amended and Chapter 73, Article 3, Section 13(a), of the 2007 Public Laws and further amended by Chapter 100, Article 9 Substitute A as Amended, Section 13(a), of the 2008 Public Laws. The Rhode Island General Laws also referred to within as the “General Laws of Rhode Island”.

1.4.2 References to the Board shall also be interpreted to include staff of the Board when designated to perform specific functions.

## **2. DEFINITIONS**

- 2.1. “Act” – Refers to the enabling legislation for the Act entitled “Professional Land Surveyors”, contained in Rhode Island General Laws Chapter 5-8.1 and Chapter 73, Article 3, Section 13(a), of the 2007 Public Laws and further amended by Chapter 100, Article 9 Substitute A as Amended, Section 13(a), of the 2008 Public Laws.
- 2.2. "Professional Land Surveyor" - As defined in the General Laws of Rhode Island, Paragraph 5-8.1-2(14).
- 2.3. “Land Surveyor Emeritus” - Upon application, an honorary title issued to a retired Professional Land Surveyor who is prohibited from practicing land surveying in the State of Rhode Island.
- 2.4. The term "Board" wherever used in these rules and regulations shall be deemed to refer to the Board of Registration for Professional Land Surveyors or, when the context permits, to the relevant administration or personnel thereof.
- 2.5. “Certificate of Authorization” – Is defined in Rhode Island General Laws Section 5-8.1-13(b)(2) and is further referred to in Rule 5.2 within.
- 2.6. The term "Chair" shall be deemed to be referred to as the Chair of the Board of Registration for Professional Land Surveyors wherever used in these rules and regulations. When used in conjunction with proceedings before the Board, the term Chairperson shall also include the hearing officer conducting any hearing or pre-hearing before the Board.
- 2.7. “Professional Development Hour (PDH)” means 50 minutes of in-class instruction or 50 minutes of participation in other forms of continuing education, in each case found acceptable by the Board.
- 2.8. "Experience" and "Training" are interchangeable and mean satisfactory land surveying related employment as required by the Board and NCEES.
- 2.9. “NCEES” – The National Council of Examiners for Engineering and Surveying.
- 2.10. “Practice of Land Surveying”. As defined in the General Laws of Rhode Island, Section 5-8.1
- 2.11. A person practices as a “Principal” if the person is a Professional Land Surveyor, is in responsible control of the organization’s land surveying practice either alone or in concert with other Professional Land Surveyor(s), is responsible for the profits and losses of the firm, is legally liable for the acts of the firm, and holds one of the following positions:
- 2.11.1 Sole proprietor if the practice is through a sole proprietorship.
- 2.11.2 Officers and Directors if the practice is through a corporation.

- 2.11.3 General partner if the practice is through a partnership.
- 2.11.4 General Partner if the practice is through a limited liability partnership.
- 2.11.5 Members or Managers if the practice is through a limited liability company.
- 2.12 “Responsible Charge” – That amount of control over and detailed knowledge of the content of technical submissions during their preparation as is ordinarily exercised by Professional Land Surveyors applying the required professional standard of care.
- 2.13 “Stamp” – Is the instrument to apply a seal evidencing registration of a Professional Land Surveyor to Chapter 5-8.1.
- 2.14 “Division of Design Professionals” – Is a single administrative division within the Department of Business Regulation (DBR), comprised of the four (4) Boards, the State Board of Registration for Professional Land Surveyors, the Board of Registration for Professional Engineers, Board of Examination and Registration of Architects, and the Board of Examiners of Landscape Architects.
- 2.15 “Issued” – when used with a plan, drawing, plat or other work product, means when the work product is presented to the client, federal state or municipal board / agency, etc. for acceptance or action.
- 2.16 “Entity” - any organization or being which has a separate legal existence, which engages in the practice of land surveying. Entity includes but is not limited to corporations, partnerships, sole proprietorships, state agencies, municipalities, and municipal agencies.

### **3. APPLICATIONS**

- 3.1 Application forms for licensing as a Professional Land Surveyor or Land Surveyor in Training may be obtained from the Board's office. All applications shall be completed in accordance with the instructions contained therein and submitted to the Board's office no later than four months prior to the scheduled date of the examination. The eligibility of each applicant to take the examination shall be as established by Rhode Island General Laws, Title 5, Chapter 5-8.1, Section 9, as amended from time to time.
  - 3.1.1 Personal appearance before the Board, if required, shall be at a time and place designated by the Board. The Board reserves the right to review and rescind eligibility to the land surveying registration examination.
  - 3.1.2 The Board may request additional evidence or information in writing to further support the application.
  - 3.1.3 Failure to comply, within sixty days from the date of written request by the Board, for additional evidence or information, or to appear before the Board, when such an appearance is deemed necessary by the Board, may be considered as just and sufficient cause for disapproval of the application.

- 3.2 Applications for Certificates of Authorization (COA) must be submitted to the Office of the Board. Allow a minimum of forty days for properly completed applications to be reviewed and acted on by the Board. See also Rule 5.2.
- 3.3 Application for “Land Surveyor Emeritus” status shall be made in writing to the Board. At the time that such application is made, the applicant must surrender the land surveyor’s seal that had previously been issued by the Board. Allow a minimum of forty days for the application to be reviewed and acted on by the Board.
- 3.4 Applicants for examination reciprocity or COA must disclose any and all disciplinary action imposed by other professional registration jurisdictions.
- 3.5 Approval of Applications
  - 3.5.1 All applications shall be considered individually and passed or rejected on a roll call vote of the Board.
  - 3.5.2 The action taken on each application shall be recorded in the minutes.
  - 3.5.3 An outline of the action taken shall be placed with the application.
  - 3.5.4 Applicants shall be promptly notified of the Board’s actions.

#### **4. EXAMINATIONS & RE-EXAMINATIONS**

- 4.1 Land Surveyors Registration Examination
  - 4.1.1 Notification of Examination - Each applicant will receive written notification from the Board of the time and place of any examination for which he or she has applied and is eligible. Each candidate shall promptly notify the Board of his or her intention either to appear or not appear for the examination. Failure to so notify the Board may result in loss of eligibility for that particular examination.
  - 4.1.1 Evaluation of education and experience / training credits shall be at the discretion of the Board and in general accordance to NCEES criteria.
  - 4.1.2 All applicants are required to comply with such requirements for taking the Land Surveyors Registration Examination as shall be established by NCEES and the Board.
  - 4.1.3 The Land Surveyors Registration Examination will be given to all applicants qualifying under Section 5-8.1-9 of the General Laws of Rhode Island.
  - 4.1.4 The Land Surveyors Registration Examination shall be taken and successfully passed by all applicants.
  - 4.1.5 The scope, dates, times and location(s) of the Land Surveyors Registration Examination are established by the Board in conjunction with NCEES.



- 4.1.6 The minimum-passing grade in all subjects of the Land Surveyors Registration Examination shall be as established by the Board and NCEES.
- 4.1.7 Anyone who receives a score of less than 50% on any portion of the examination may not apply for re-examination for at least one year from the date of the failed examination. Anyone failing three times shall be interviewed by the Board before he or she is allowed to retake the exam. No person who fails the exam more than five times will be allowed to be reexamined for a period of five years from the date of the last failed exam.
- 4.1.8 Any candidate who fails over a period of two years to appear for an examination for which he or she is eligible, for whatever reasons, shall have his or her application canceled and his or her application form so marked with the reason therefore. Should he or she desire examination thereafter he or she shall make application anew.
- 4.2 Land Surveyors Registration Examination Content  
The examination will consist of three separate written exams.
- 4.2.1 Fundamentals of Land Surveying - This portion of the examination will be prepared and scored by the National Council of Examiners for Engineering and Surveying (NCEES).
- 4.2.2 Principles and Practice of Land Surveying - This portion of the examination will be prepared and scored by the National Council of Examiners for Engineering and Surveying (NCEES).
- 4.2.3 Rhode Island Examination – This portion of the examination will be a two (2) hour written legal portion and will be prepared by the Board. The exam will include, but not be limited to, questions on boundary law, land use, procedures and practices pertaining to the practice of land surveying within the State of Rhode Island, regulatory permitting, and Rhode Island General Laws pertaining to Land Surveying. All applicants must be familiar with Rhode Island General Laws Chapter 5-8.1 as it pertains to Land Surveying in the State of Rhode Island.
- 4.3 Conduct of the Examination  
Examinations shall be conducted under the following general rules:
- 4.3.1 No candidate shall communicate during the examinations with any other candidate in any way without the direct permission of the Proctor.
- 4.3.2 All papers handed in by a candidate shall bear an assigned code number and shall not bear any other identification which can identify the applicant.
- 4.3.3 Textbooks, bound notes and standard printed references may be used as aids during the Rhode Island examination and during any open book portion of an NCEES examination. No solution manuals or booklets are permitted at the exam.

4.3.4 Calculators - Silent, non-programmable, self-powered, electronic calculators may be used. The actual calculators used shall be consistent with the current NCEES testing standards at the time the examination is given.

#### 4.4 Examination Review

4.4.1 Policy - It is the policy of the Board to utilize review of old examinations administered pursuant to these Rules and Regulations to applicants as a mechanism to assist the applicant to better understand his or her shortcomings and to help that applicant prepare for future examinations. It is not, however, the policy of this Board to permit extensive review of previous exams so that an applicant may become "test wise".

4.4.2 Procedure - With the aforementioned policy in effect, the Board will strictly adhere to the following procedures in regards to any requests for review of Land Surveying Fundamentals or Principals and Practice examinations failed by particular applicants. In all cases, the NCEES standards for examination review shall be followed.

4.4.3 Any applicant wishing to review his or her prior examination must make a written request for this, to the Board, within fifteen (15) days of the date of mailing of the exam results (Pass/Fail) to the applicant. Such requests must be postmarked within fifteen (15) days of the date appearing on the letter of notification, advising the applicant of his or her exam result. Each applicant requesting a review should include a daytime phone number where they may be reached to schedule an appointment.

4.4.4 Upon receipt, by the Board, of a timely request for review of an examination, the Board will assign the particular request to a Board member who will then schedule a review date. Said review date shall be at the convenience of the Board member.

4.4.5 All reviews will be conducted in the Board's offices. An applicant may not receive copies of any examination materials nor may the applicant make copies of or write down examination questions or answers.

4.4.6 The duration of each review will be determined by the Board-appointed reviewer.

4.4.7 All reviews of prior exams must be completed within seventy-five (75) days of the issuance of the exam results for that examination. There shall be no reviews scheduled, by the Board, of any previous examination within the sixty (60) day period immediately preceding the administering of a Land Surveying Fundamentals or Principles and Practice examination.

4.4.8 The Board shall limit the number of times that it reviews previous examinations for an individual applicant to a maximum of two (2), unless the National Council requests the Board to limit the reviews conducted for any particular applicant(s) to one (1) or none (0). In that case, the National Council's request shall govern the Board's policy.

## 4.5 Re-Examination

### 4.5.1 Professional Land Surveyor

Applicants for registration as a Professional Land Surveyor who have failed the written examination may be given a re-examination upon request and payment of the appropriate re-examination fee.

### 4.5.2 Land Surveyor-in-Training

Applicants for certification as a Land Surveyor-in-Training who have failed the Fundamentals of Land Surveying examination may be given a re-examination on any future, regularly scheduled, examination date upon request and payment of appropriate re-examination fee. Applications for all examinations and reexaminations must be received by the Board by no later than four months preceding the scheduled examination date.

### 4.5.3 Requirement for Re-Examination. Registrants are required to be re-examined under the following circumstances:

4.5.4 Individuals who have been suspended from the practice of land surveying by this Board for a period of time in excess of three (3) years, regardless of the reason, shall be required to be re-examined in accordance with Board procedures prior to being re-admitted to the practice of land surveying.

4.5.5 Individuals who have been suspended from the practice of land surveying by this Board for any period of time as a result of a finding by the Board of professional incompetence, professional misconduct and/or professional negligence, may be required to be re-examined in accordance with Board procedures prior to being re-admitted to the practice of land surveying.

4.5.6 Individuals who have been disciplined by this Board (regardless of the length or duration of any suspension or revocation) for reasons of fraud, deceit and/or who has been disciplined by reason of conviction of any felony or crime involving moral turpitude may, in the discretion of the Board, be required to be re-examined in accordance with Board procedures prior to being re-admitted to the practice of land surveying.

4.5.7 Individuals who have been found to be incompetent to continue in the practice of land surveying due to a medical reason shall be required to be re-examined in accordance with Board procedure prior to re-admission to the practice of land surveying unless the individual presents two (2) medical certificates from physicians registered to practice medicine in this state which certificates state that the condition which was the cause or basis of the incompetence has, to a reasonable degree of medical certainty, been removed or has abated to the point that it will not prevent the individual from engaging in the competent practice of land surveying. The Board may, even after the presentation of such certificates, require re-examination, if, in the opinion of the Board, the individual does not appear to be capable of resuming the practice of land surveying.

4.5.8 Individuals who have not re-registered for a period of time in excess of three (3) years, regardless of the reason, shall be required to be re-examined in accordance with Board procedures prior to being re-admitted to the practice of land surveying.

4.5.9 All costs and expenses associated with the re-examination process shall be borne by the individual applying for re-admission.

## **5. PRACTICE**

5.1 An applicant (or firm), who has established eligibility to practice land surveying under the requirements of Chapter 5.8 of the General Laws of Rhode Island will, upon payment of the stipulated fee, receive a Certificate of Registration (or Authorization).

### **5.2 Certificate of Authorization (COA)**

5.2.1 Definition. As stated in Rule 2 the terms "Certificate of Authorization" means the certificate issued by the Board which indicates that the sole proprietor, partnership, limited liability partnership, corporation, or Limited Liability Company named in the certificate is permitted to practice land surveying, to offer to practice land surveying, and to solicit and/or broker land surveying services in the State of Rhode Island.

5.2.2 Application for Certificate of Authorization (COA) shall be made as referred to herein.

5.2.3 Eligible Applicants. As provided in RIGL Section 5-8.1-13(b)(a), a sole proprietorship, partnership, limited liability partnership, corporation or limited liability company, subsequently referred to as the "firm", through individuals is permitted; provided that the individuals are in direct control of that practice; exercise personal supervision of all personnel who act in behalf of the firm in professional and technical matters; and are registered under the provisions of Chapter 5-8.1; and provided, that the firm has been issued a certificate of authorization by the Board.

5.2.4 Every firm must obtain a certificate of authorization from the board and those individuals in direct control of the practice and who exercise direct supervision of all personnel who act in behalf of the firm in professional and technical matters must be registered with the board.

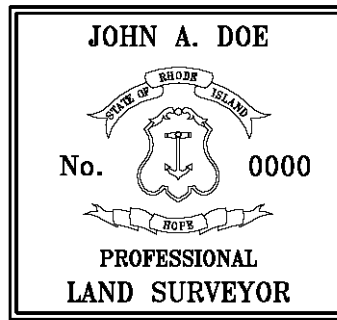
5.2.5 It is the intent of the board of registration to establish that the professional land surveyor is responsible for land surveying services.

5.2.6 Every firm desiring a certificate of authorization must file with the board an application for the certificate on a form provided by the board. A separate form provided by the board shall be filed with each renewal of the certificate of authorization and within thirty (30) days of the time any information previously filed with the board has changed, is no longer true or valid, or has been revised for any reason. If, in its judgment, the information contained on the application and renewal form is satisfactory and complete, the board shall issue a certificate of authorization for the firm to practice land surveying in this state.

- 5.2.7 No firm that has been granted a certificate of authorization by the board of land surveyors is relieved of responsibility for the conduct or acts of its agents, employees, partners (if a partnership or a limited liability partnership), officers or directors (if a corporation), or members or managers (if a limited liability company) because of its compliance with the provisions of this section. No individual practicing land surveying under the provisions of this chapter is relieved of responsibility for land surveying services performed by reason of his or her employment or other relationship with a firm holding a certificate of authorization as subsequently described. In the event of unexpected death, retirement, dismissal or any other occasion where an entity has one person who is a registered land surveyor, and that person no longer can continue in the operation of the entity, then the board of registration may waive certain requirements for a certificate of authorization, for a period of not longer than forty-five (45) days, provided that the entity retains a person who is a registered professional land surveyor to review and pursue the duties of surveying that are required under this chapter.
- 5.2.8 A land surveyor may not, for the purposes of this section, be designated as being in responsible charge on more than two (2) certificates of authorization.
- 5.2.9 Certificates of authorization shall be treated for all purposes hereunder, including, but not limited to, renewal, expiration and lapsing, as previously provided for certificates of registration in section 5-8.1-10; provided, however, that renewal may be affected at any time prior to or during the month of June of each even-numbered year (meaning biennially) commencing in year 2004.
- 5.2.10 Limited liability partnerships, corporations and limited liability companies shall submit a copy of their articles of incorporation, articles of organization or certificate of registration in order to obtain a certificate of authorization from the board of land surveyors.
- 5.2.11 The secretary of state shall not issue a certificate of incorporation or certificate of organization or certificate of registration to any applicant, or a registration as a foreign corporation, limited liability partnership or limited liability company, to any firm, which includes among the objectives for which it is being established any of the words "surveyor", "surveying" or any modification or derivation of those words, unless the board of land surveyors has issued for the applicant a certificate of authorization or a letter indicating the eligibility of the applicant to receive the certificate. The firm applying shall supply the certificate or letter from the board with its application for incorporation or registration as a foreign corporation, limited liability partnership or limited liability company.

### 5.3 Professional Land Surveyor's Seal & Stamp

- 5.3.1. SEAL and/or Stamp - The seal and/or stamp shall be approximately 1-½ square. The State emblem and land surveyors' registration number shall appear in the center. The land surveyors name shall appear above the State Emblem / Registration Number and words 'Professional Land Surveyor' shall appear below the State Emblem / Registration Number per the following example;



- 5.3.2 The Board shall loan each land surveyor the right to purchase an individual stamp capable of imprinting the seal to be used, as hereinafter directed in the following paragraph, on all documents prepared by the land surveyor or under the land surveyors responsible control, for use in the State of Rhode Island, for the purpose of properly imprinting the drawings, reports and other documents. A digital facsimile of the seal may be used in lieu of the hand stamp. (See Rule 2.13)
- 5.3.3 The seal shall be applied on documents so as to produce legible reproduction on all copies or prints made from the documents. After application of the seal, the land surveyor's name shall be hand signed in ink across the imprinted seal, and dated below the seal. Electronic signature and dating is not permitted.
- 5.3.4 The land surveyor shall imprint the seal only if in responsible control of the project.
- 5.3.5 Upon revocation or suspension of his or her certificate of registration, or upon expiration of the certificate without renewal, a professional land surveyor shall surrender his or her stamp to the board of land surveyors.
- 5.3.6 Upon the death of any professional land surveyor registered under this chapter, that person(s) appointed to administer the estate of the decedent shall surrender the stamp of the deceased professional land surveyor to the board of land surveyors.

## **6. CONTINUING EDUCATION**

- 6.1 Purpose & Scope. In order to safeguard life, health, and property, and to promote the public welfare, the practice of Professional Land Surveying in Rhode Island requires continuing education in accordance with this document. The Rhode Island State Board of Registration for Professional Land Surveyors is authorized pursuant to RIGL 5-8.1-4(b)(1) to establish continuing education requirements and standards as it deems appropriate, and in furtherance thereof promulgates the within rules and regulations concerning continuing education (the "CE Regulations").
- 6.2 Each in-state and out-of-state registrant shall be required to meet the continuing educational requirements of these CE Regulations for professional development as a condition for registration renewal. Continuing education should maintain and develop new and relevant skills and knowledge.

6.3 As of July 1, 2003 all applicants for renewal for registration shall satisfy these minimum requirements.

#### 6.4 Definitions

6.4.1 As used in these CE Regulations, “Active” means a registered land surveyor authorized to currently practice land surveying by the Board and who has complied with the continuing education requirements prescribed herein.

6.4.2 As used in these CE Regulations, “Board” means the Rhode Island State Board of Registration for Professional Land Surveyors.

6.4.3 As used in these CE Regulations, “Inactive” means a registered land surveyor who has obtained inactive status from the Board and is not required to comply with the continuing education requirements prescribed herein. An Inactive Registrant may not engage in the practice of land surveying in the State of Rhode Island.

6.4.4 As used in these CE Regulations, “Professional Development Hour (PDH)” means 50 minutes of in-class instruction or 50 minutes of participation in other forms of continuing education, in each case found acceptable by the Board.

6.4.5 As used in these CE Regulations, “Biennium” means a period of two years, commencing on July 1<sup>st</sup> and terminating on June 30<sup>th</sup>.

6.4.6 As used in these CE Regulations, “Registrant” means a land surveyor currently registered with the Board as further defined in RIGL 5-8.1-2(14).

6.4.7 As used in these CE Regulations, “NCEES” means the National Council of Examiners for Engineering and Surveying.

6.4.8 As used in these CE Regulations, “Sponsor” means a person or entity providing a technical meeting, seminar, tutorial, short course, correspondence course, college/university course or other activity constituting continuing education hereunder and approved by the Board.

#### 6.5 Basic Requirements

6.5.1 Commencing on July 1, 2003, and each Biennium thereafter, a Registrant seeking renewal of active registration must, as a prerequisite to renewal, submit satisfactory evidence to the Board of having obtained Twenty (20) PDH’s during the Biennium immediately preceding application for renewal.

6.5.2 Commencing on July 1, 2011, and each Biennium hereafter, a registrant seeking renewal of active registration must, as a prerequisite to renewal, submit satisfactory evidence to the Board of having obtained a minimum of ten (10) PDH’s during the previous Biennium from activities which do not include correspondence courses, internet courses, or courses available from online sources.

6.5.3 A new Registrant is not required to satisfy the continuing education requirements

prescribed herein until the registration renewal occurring on the Three (3) year anniversary of his or her date of initial registration.

6.5.4 A maximum of Five (5) PDHs may be carried over with full credit to the next Biennium.

## 6.6 Conversion Table

Conversions from the other measures of continuing education activities to PDH's are as follows:

- 6.6(a) Fifty (50) minutes of approved and acceptable professional seminar activity = 1 PDH
- 6.6(b) One (1) semester credit of approved and acceptable college/university course work = 5 PDH
- 6.6(c) Fifty (50) minutes of approved and acceptable professional activity pursuant to Section 7.5 = 1 PDH

## 6.7 Types of Acceptable Continuing Education / Approval of Programs for Registrants

6.7.1 Continuing education activities for which PDH credits may be considered for approval by the Board include: college and university courses which directly relate to the practice of land surveying as determined by the Board successfully completed with a grade of "C" or better, or the equivalent, and those portions of technical meetings, seminars, tutorials, short courses and correspondence course that are directly related to the practice of land surveying as determined by the Board.

6.7.2 The Board will grant credit for only such continuing education activities that the Board determines to satisfy the following criteria:

- 6.7.2(a) There is clear purpose and objectivity for each activity;
- 6.7.2(b) The content of each presentation is well organized and presented in a sequential manner, and the content thereof is sufficiently advanced in nature as pertaining to the practice of land surveying;
- 6.7.2(c) There is evidence of pre-planning which may include the opportunity for input by the target group to be served;
- 6.7.2(d) The presentation will be made by persons who are well-qualified by reason of education or experience; and
- 6.7.2(e) There is provision for individual participant registration which will include information required for record keeping and reporting.

6.7.3 The Board will grant no credit to a Registrant for a course, technical meeting, seminar, tutorial, short course, or correspondence course repeated by that Registrant within Two



(2) years (if credit was originally granted), unless, in the Board's opinion, there is a substantial change in the content of such course, technical meeting, or the subject matter warrants award of additional credit.

- 6.7.4 Other activities which may be used to satisfy continuing education requirements in the Board's discretion are:
- 6.7.4(a) Approved programs conducted by corporations, government agencies or other organizations;
  - 6.7.4(b) Authorship of published papers, articles or books; and
  - 6.7.4(c) First-time preparation for and presentation at technical meetings, short courses or seminars;
  - 6.7.4(d) The preparation for and presentation of approved credit courses at Board approved educational institutions.
- 6.7.5 PDH credits will be awarded for memberships and service in societies and associations as follows:
- 6.7.5(a) Verified membership in a Rhode Island land surveying society or association recognized as having valid, objective, and independent existence by the Board shall receive 4 PDH's per year, with a maximum of 8 PDH's per biennium, provided that the Registrant attend at least 50% (fifty percent) of the organization's meetings; or 1 PDH per year with a maximum of 2 PDH's per Biennium for membership in such organization without meeting said 50% attendance requirement;
  - 6.7.5(b) Verified membership and participation in any other national, regional or state land surveying society or association recognized as having valid, objective and independent existence by the Board shall receive 2 PDH's per year, with a maximum of 4 PDH's per Biennium;
  - 6.7.5(c) Serving as an officer, director, or committee chairperson in any national, regional or state land surveying society or association recognized as having valid, objective and independent existence by the Board shall receive 2 PDH's per year, not to exceed 6 PDH's per Biennium;
  - 6.7.5(d) Serving on a State Board of Licensure for Land Surveyors shall receive 4 PDH's per year, with a maximum of 8 PDH's per Biennium;
  - 6.7.5(e) Serving as a chairperson, vice chairperson, or secretary of a State Board of Licensure for Land Surveyors shall receive 1 PDH per year, with a maximum 2 PDH's per Biennium;
- 6.7.6 A Registrant seeking to take a course or program which has not been previously approved by the Board may apply in writing to the Board for pre-approval or post-

approval of the course or program offering. Any such request for pre-approval shall require that the applicable course materials and information (as further described in Section XII) be provided to the Board no less than Sixty (60) days prior to the date of such course or program. Any such request for post-approval shall require that all applicable course materials and information as well as proof of attendance be provided to the Board within Ninety (90) days of the date of such course or program. Failure of the Board to act on such written application within Ninety (90) days of receipt by the Board shall constitute approval of such course or program as submitted.

- 6.7.7 All activities submitted to the Board for PDH's are subject to approval by the Board in its discretion.
- 6.7.8 The Board may seek advice and consultation concerning its determination of acceptable continuing education activities from the Rhode Island Society of Professional Land Surveyors, from educational institutions offering courses or programs concerning land surveying, and from such other sources as the Board may from time to time determine.

## 6.8 Reports & Records

- 6.8.1 At the time of application for registration renewal, each Registrant shall report, on a form provided by the Board, the continuing education activities undertaken during the preceding Biennium along with appropriate supporting documents concerning attendance and/or participation. Solely for purposes of the registration renewal period commencing on July 1, 2003, the Board shall also accept continuing education activities complying with the provisions of these CE Regulations earned during the period from July 1, 2000 through June 30, 2001.
  - 6.8.2 All Registrants shall maintain a file, in which records of continuing education activities are kept, including dates, subjects, duration of programs, printed program schedules, registration receipts or other proof of participation, and other appropriate documentation, for a period of Four (4) years after the date of the program or activity.
- 6.9 Sponsors. Any Sponsor that offers an organized continuing education program contemplated by these CE Regulations, for which credit will be requested from the Board, shall keep a record of attendees at each session and shall furnish the Board a copy of said record of attendees within Ninety (90) days of the conclusion of the program.

## 6.10 Approval of Programs for Sponsors

- 6.10.1 Pre-approval of any program intended to be offered by a Sponsor may be granted to the Sponsor if the following information is submitted to the Board no less than Sixty (60) days prior to the date of such course or program:
  - 6.10.1(a) Instructors and their qualifications; and
  - 6.10.1(b) Synopsis of course material.
  - 6.10.1(c) Such other information as the Board may request.

- 6.10.2 Upon completion of any approved course, the Sponsor shall submit to the Board the record of attendees and the time, place, and schedule of activities within Ninety (90) days of the date of such course or program.
- 6.11 Audits. The Board may conduct audits of continuing education activities and Registrants' participation therein in its discretion. Should deficiencies be discovered, Registrants will be notified of the same and have Six (6) months to correct the deficiencies, except where such audits reveal fraudulent misrepresentations to have been made by a Registrant.
- 6.12 Reciprocity. The Board will deem a Registrant to have met the continuing education requirements provided herein if such Registrant, when making annual renewal of Rhode Island registration, certifies in writing the following:
- 6.12.1 The Registrant resides in another state or territory which has been recognized by the Board as having continuing education requirements both equivalent to the within CE Regulations and acceptable to the Board.
- 6.12.2 The Registrant has currently satisfied all continuing education and registration requirements of that state or territory. Otherwise, a Registrant residing in another state or territory must satisfy the requirements specified in these CE Regulations.
- 6.13 Noncompliance. Unless a request for Inactive status is made, any Registrant failing to furnish the required continuing education form prepared and/or adopted by the Board, properly completed and signed, shall not be granted renewal of registration by the Board and shall lose the right to practice land surveying in the State of Rhode Island upon the expiration of registration.
- 6.14 Hardships. Notwithstanding any other provisions of these CE Regulations to the contrary, the Board may exempt a Registrant from complying with all or part of the continuing education requirements herein for a given year in the following cases:
- 6.14.1 A Registrant affected by physical disability, illness, or other extenuating circumstances as reviewed and approved by the Board on a case-by-case basis; provided that adequate supporting documentation is furnished to the Board; or
- 6.14.2 A non-career military Registrant serving on active duty in the armed forces of the United States for a period of One Hundred Twenty (120) consecutive days in a calendar year; provided that the adequate supporting documentation is furnished to the Board.
- 6.15 Hearings & Appeals. Any Registrant or other person or entity aggrieved by operation of these CE Regulations, subject to and in accordance with the requirements of RIGL Chapter 42-35 concerning administrative procedures specifically including the prerequisites thereof for contested cases, may request a hearing on said matter before the Board. Any person aggrieved by any decision or ruling of the Board related thereto may appeal there from in accordance with and subject to the requirements of said RIGL Chapter 42-35.

## 6.16 Inactive Registrants / Reinstatement to Active Registration

6.16.1 A registered land surveyor may request, in writing, to be placed on the Board's Inactive role, thereby obtaining inactive status.

6.16.2 An Inactive Registrant will be permitted to retain that Registrant's original certificate of registration without submitting proof of complying with the continuing education requirements prescribed herein.

6.16.3 An Inactive Registrant may not engage in the practice of land surveying in the State of Rhode Island. Any practice or offer to practice land surveying in the State of Rhode Island by an Inactive Registrant shall constitute misconduct and shall be cause for revocation or suspension of certificate by the Board, or such other remedies as are provided by RIGL Chapter 5-8.1.

6.16.4 An Inactive Registrant seeking to reinstate an Inactive registration of one (1) year or more must submit a request, in writing, to the Board accompanied by the required fee and must satisfy one (1) of the following requirements:

6.16.4(a) Satisfaction of One-Half (1/2) the Biennium PDH requirements multiplied by the number of the years of Inactive status up to a maximum of Forty-Five (45) PDH's subject to review and approval by the Board; or

6.16.4(b) Successful completion of the NCEES examination of Principles and Practice of Land Surveying within one (1) year immediately prior to application for reinstatement.

6.16.5 An Inactive Registrant seeking to reinstate an Inactive registration of less than One (1) year must meet One-Half (1/2) the Biennium PDH requirement.

6.17 Exemption from Continuing Education Requirements. RIGL 5-8.1-4.1 Continuing education exemption. - Notwithstanding any law, rule or regulation to the contrary, any person who was registered as a professional land surveyor in the state of Rhode Island before July 1, 1975, will be exempt from any continuing education requirements as may be established by the board of land surveyors of the state of Rhode Island.

## 7. COMPLAINTS, HEARINGS & INVESTIGATIVE PROCEDURES

7.1 General. Any person or entity may file a complaint against any applicant, registrant, or person or firm subject to the Board's jurisdiction. In addition, the Board may, on its own motion, investigate the conduct of an applicant, registrant or person or firm subject to the Board's jurisdiction, and may in appropriate cases file a complaint with the Secretary of the Board.

7.2 Jurisdiction. At any time after the complaint is received, the Board may vote upon its own motion that the complaint is not subject to the Board's jurisdiction. If the Board votes that the complaint is not subject to its jurisdiction, the appropriate parties shall be so notified.

7.3 Complaint. The procedure of filing complaints with the Board shall be as follows: Any person or entity may file a letter form or other form of complaint. The complaint shall include at a minimum the identity of the complainant, the alleged violator, the specific nature of the alleged violation, supporting documents when appropriate, and a statement identifying against whom the complaint is being made, a statement of fact sufficient to establish that the Board has jurisdiction over the conduct alleged and a statement setting forth the facts which support the allegation(s) that the individual or firm has violated the laws, code of ethics and/or rules and regulations governing the practice of land surveying in this State. Seven copies of all supporting documents shall be submitted with the complaint.

#### 7.4 Service of Process

7.4.1 By Whom Served. The Board shall cause to be served all complaints, orders, notices, and other papers issued by it, together with any other papers which it is required, or is otherwise allowed by applicable law, to serve. Every paper shall be served at the last address on file with the Board. The initial service of the complaint shall be made either personally or by first class registered or certified mail with return receipt being required. With the complaint, the Board shall serve a covering letter advising applicant, registrant, or person or firm of the number of days within which an answer is due. A copy of the covering letter shall be sent to the complainant which shall serve as an acknowledgment of receipt of the complaint by the Board. If an answer is filed, all future service of process may be by regular mail.

7.4.2 When Service Complete. When service is by regular mail, service upon parties shall be regarded as complete, when deposited properly stamped and addressed in the United States mail.

7.4.3 Upon Whom Served. All papers served by a party shall be served upon the counsel of record at the time of such filing but if a party is not represented by counsel, service will be upon the party or its agent designated by them or by law. Any counsel entering an appearance subsequent to the initiation of the proceeding shall do so by sending written notice to the Board. Entering counsel shall also notify all other counsel then of record and all parties not represented by counsel of such fact.

7.4.4 Filing with the Board. Papers required to be filed with the Board shall be deemed filed upon actual receipt by the Board at its Administrative Headquarters, or alternatively, at the address which is the location of the Board at the time of filing.

7.5 Answer. Upon service of the complaint on the alleged violator, such person or entity which is the subject of the complaint has twenty (20) days in which to respond to the complaint by filing a written answer with the Board. The answer shall set forth all facts and include all supporting documents which the respondent desires the Board to consider in determining whether or not the matter should proceed to hearing under applicable law. Upon receipt, the Board shall mail a copy of the answer to the complaining party.

#### 7.6 Investigative Conference

- 7.6.1 An informal investigation may be made of alleged violations of rules or laws involving land surveying practice. The Chair of the Board may designate a Board member or Legal Counsel to conduct an investigative conference with the alleged violator. A full report of such a conference shall be made to the Board.
- 7.6.2 In the matter of informal investigative conferences, the Board member or Attorney conducting the conference shall immediately advise the alleged violator of the informal nature of the proposed proceeding and of the alleged violator's right to refuse to participate in said proceeding, and of the alleged violator's right to a formal hearing as set forth in Paragraph 5.05
- 7.7 Conciliation Conference. Either before or after the informal investigation and/or investigative conference, the Board may conduct a conciliation conference upon notice to all concerned parties. Any statements made by any party at said conference shall not be used by any party at any future hearing. If the matter is resolved at the conciliation conference, the parties shall, whenever applicable or appropriate, sign a conciliation or settlement agreement.
- 7.8 Hearings
- 7.8.1 Basis. All hearings shall be conducted in accordance with Section 5-8-1.15 and in accordance with the applicable requirements of the Administrative Procedures Act of the State of Rhode Island as set forth in Chapter 42-35 of the General Laws.
- 7.8.2 Representation. No person may appear in a representative capacity for a formal hearing before the Board other than attorneys at law duly qualified and entitled to practice before the Supreme Court of the State of Rhode Island; attorneys at law duly qualified and entitled to practice before the highest court of record of any other state if the attorney is otherwise qualified all of the foregoing to comply with Chapter 11-27 of the General Laws, as amended; the owner of an entity or partner of an unincorporated business; or a representative designated, in writing to the Board in advance of the hearing, as the individual duly authorized to represent the entity.
- 7.8.3 Conduct of Representatives. All persons appearing in proceedings before the Board in a representative capacity shall conform to the standards of conduct and ethics required of attorneys before the courts of Rhode Island. If any such person does not conform to such standards, the Board may decline to permit such person to appear in a representative capacity before the Board.
- 7.9 Pre-Hearing Conference
- 7.9.1 Purpose. In any proceeding the Board or its designee, upon its or his or her own motion, or upon the motion of one of the parties or their qualified representatives, may in its or his or her discretion direct the parties or their qualified representatives to appear at a specified time and place for a conference to consider:
1. The simplification of the issues;
  2. The necessity of amendments to the pleadings;
  3. The possibility of obtaining stipulations, admissions of facts and of documents;
  4. The limitation of the number of expert witnesses;

5. Such other matters as may aid in the disposition of the proceeding.

The parties shall make a statement which recites the action taken at the conference, the amendments allowed to the pleadings and the agreements made by the parties or their qualified representatives as to any of the matters considered, including the settlement or simplification of issues, and which limits the issues for hearing to those not disposed of by admissions or agreements; and such order or statement shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.

7.10 Submission of Documentary Evidence in Advance

Where practicable the Board or its designated hearing officer may require:

7.10.1 All documentary evidence which is to be offered during the taking of evidence be submitted to the hearing examiner and to the other parties to the proceeding one week in advance of such taking of evidence to permit study and preparation of cross-examination and rebuttal evidence;

7.10.2 Documentary evidence not submitted in advance, may not be received in evidence absent a clear showing by the offering party that there was good cause for the failure to produce the evidence sooner;

7.10.3 The authenticity of all documents submitted in advance in a proceeding in which such submission is required, be deemed admitted unless a written objection thereto is filed prior to the hearings, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such a written objection.

7.11 Excerpts from Documentary Evidence. When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts, adequately identified, and shall supply copies of such excerpts, and a statement indicating the purpose for which such materials will be offered, to the hearing examiner and to the other parties. Only the excerpts, so prepared and submitted, shall be received in the record. The whole of the original document, however, shall be made available for examination and for use by all parties to the proceeding.

7.12 Continuances. Any party desiring to continue a hearing shall, immediately upon receipt of notice of the hearing, or as soon as facts requiring such a continuance are made known to him or her, notify the Board or its designated hearing officer of said desire, stating in detail the reasons why such continuance is necessary. The Board or its designated hearing officer, in ruling upon a request for continuance, shall consider whether such request was promptly and timely made. For good cause shown, the Board or its designated hearing officer may grant such a continuance and may at any time order a continuance upon its or his own motion. During a hearing, if it appears in the public interest or in the interest of justice that further testimony or argument should be received, the examiner or other officer conducting the hearing may in his discretion continue the hearing and fix the date for introduction of additional evidence or presentation of argument. Such oral notice shall constitute final notice of such continued hearing.

- 7.13 Rules of Evidence. When an objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. At his or her discretion, the officer conducting the hearing may exclude inadmissible evidence or order cumulative evidence discontinued, either with or without an objection. Parties' objecting to the introduction of evidence shall state the precise grounds of such an objection at the time such evidence is offered.
- 7.14 Record of Hearings. An electronic record shall be made of every hearing or contested case before the Board. A copy of the original tape shall be made available to any party to the proceeding upon written request to the Board. A typewritten transcript shall be made of the whole or part of the record upon: (1) a written request filed with the Board by any party to the hearing or case, and (2) a deposit to the Board of an amount equal to the cost thereof as estimated by the Board at the time of making such request. As soon as practicable, the Board shall ascertain the cost of the transcript and refund any excess deposit over the actual cost thereof, and it shall require the payment of any deficit from the party or parties requesting the report. No transcript shall be made unless the amounts required have been deposited as herein provided. Any party may request that a stenographic record be kept by tendering to the Board an amount equal to the estimated cost thereof not less than seven (7) days prior to any scheduled hearing date.
- 7.15 Official Notice – Matters of Law  
The Board or its hearing officer, upon request made before or during a hearing, will officially notice:
- 7.15.1 Federal Law. The Constitution; Congressional Acts, Resolutions, Records, Journals and Committee Reports; Decisions of Federal Courts and Administrative Agencies; Executive Orders and Proclamations; and all rules, orders and notices published in the Federal Register.
- 7.15.2 State Law. The Constitution of the State of Rhode Island, acts of the Legislature, Resolutions, Records, Journals and Committee Reports; decisions of courts of the State of Rhode Island; Executive orders and proclamations by the Governor; and all rules orders and notices filed with the Code Reviser.
- 7.15.3 Governmental Organizations. Organizations, territorial limitations, officers, departments and general administration of the Government of the State of Rhode Island, the United States, the several states and foreign nations.
- 7.15.4 Board Organization. The Board's organization, administration, officers, personnel, official publications, and practitioners before its bar.
- 7.16 Official Notice – Material Facts
- 7.16.1 Authority. Pursuant to Rhode Island General Laws §42-35-10, the Board and its hearing officers, upon request made before or during a hearing, may officially take notice of judicially cognizable facts and generally recognized technical or scientific facts within the Board's specialized knowledge.



- 7.16.2 Statement. Where an initial or final decision of the Board rests in whole or in part upon official notice of a material fact, such fact shall be clearly and precisely stated in such decision. In determining whether to take official notice of material facts, the hearing officer of the Board may consult any source of pertinent information, whether or not furnished as it may be by any party and whether or not admissible under the Superior Court Rules of Evidence.
- 7.16.3 Controversion. Any party may controvert a request that the Board and its hearing officers take official notice of a material fact at the time the request is made if it is made orally or by a pleading, reply, or brief in response to the pleading or brief or notice in which the same is made or suggested. If any decision is stated to rest in whole or in part upon official notice of a material fact which the parties have not had a prior opportunity to controvert, any party may controvert such a fact by (i) appropriate exceptions if such notice is taken in an initial or intermediate decision, or (ii) by a petition for reconsideration if notice of such fact is taken in a final report. Such controversion shall concisely and clearly set forth the sources, authority, and other data relied upon to show the existence or non-existence of the material fact assumed or denied in the decision.
- 7.16.4 Evaluation of Evidence. Nothing herein shall be construed to preclude the Board or its authorized agents from utilizing their experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to them.
- 7.17 Presumptions. The Board may make such presumptions as would be allowed pursuant to the Rhode Island Rules of Evidence.
- 7.18 Stipulations and Admissions of Record
- 7.18.1 Conclusive. The existence or non existence of a material fact, as made or agreed in a stipulation or in an admission of record, will be conclusively presumed against any party bound thereby, and no other evidence with respect thereto will be received on behalf of such party, as long as the requirements of paragraph B below are met.
- 7.18.2 Upon Whom Binding. Such a stipulation or admission is binding upon the parties by whom it is made, their privies, and upon all other parties to the proceeding who do not expressly and unequivocally deny the existence or non-existence of the material fact so admitted or stipulated, upon the making thereof, if made on the record at a pre-hearing conference, oral hearing, oral argument or by writing filed and served upon all parties within five days after a copy of such stipulation or admission has been served upon them;
- 7.18.3 Withdrawal. Any party bound by a stipulation or admission of record at any time prior to final decision may be permitted to withdraw the same in whole or in part by showing to the satisfaction of the hearing officer or the Board that such stipulation or admission was made inadvertently or under a bona fide mistake of fact contrary to the true fact and that its withdrawal at the time proposed will not unjustly prejudice the rights of other parties to the proceeding.
- 7.19 Declaratory Judgment. Pursuant to Rhode Island General Laws §42-35-8, the Board will

accept requests from any person or entity for advisory opinions on the practice of land surveying. Such requests will be viewed on a case by case basis. A request for a declaratory ruling must be in writing. Copies of the request will be distributed to each member of the Board and to legal counsel for the Board. The person or entity making the request will be notified of the time and place of the meeting of the Board to discuss the request. The Board will issue a written opinion to be distributed to the person making the request and copies will be made available to the public at the Board's place of business and on the Board's website.

## 7.20 Publication of Decision of Disciplinary Action

7.20.1 Publication. It is the policy and practice of the Board to publish in a newspaper of general circulation any and all public disciplinary actions taken by the Board in order to ensure that the public is fully informed of the name and nature of the disciplinary action taken by the Board. In addition, the Board shall cause the individual disciplined to be notified in writing of any disciplinary action and furnished copies of the law advertisement.

7.20.2 Advertisements. All public notifications by advertisement for suspensions and/or revocations of registrations or denial of renewals shall be published in the Providence Journal for a period of once a week for three (3) weeks. These advertisements shall be published in the Sunday Business Section of the Providence Journal and shall be no less than two (2) inches by four (4) inches in size. The advertisement shall comport to the language ordered by the Board.

7.20.3 Further Notification. In addition to publishing notice, the Secretary of the Board shall cause an actual copy of the notice of revocation, suspension, denial of or renewal to be sent to the City or Town Clerk of each municipality local in the State of Rhode Island, to the Rhode Island Department of Transportation, to the Rhode Island Department of Environmental Management (OWTS Section and Wetlands Section), Coastal Resource Management Council, the State Building Official, the Massachusetts Board for Professional Engineers and Professional Land Surveyors, the Connecticut Board for Professional Engineers and Land Surveyors and to N.C.E.E.S. In the case of voluntary non-renewal, once sixty (60) days has passed since the lapsing of the registration or certificate of authorization, the Secretary of the Board may send notice of the non-renewal to the City or Town Clerk of each municipality local in the State of Rhode Island, to the Rhode Island Department of Transportation, to the Rhode Island Department of Environmental Management (OWTS Section and Wetlands Section), Coastal Resource Management Council, the State Building Official, the Massachusetts Board for Professional Engineers and Professional Land Surveyors, the Connecticut Board for Professional Engineers and Land Surveyors and to N.C.E.E.S. In regard to N.C.E.E.S., the Board shall also complete a copy of the Disciplinary Action form prescribed by Publication of Disciplinary Action February 17, 1993, Page 2, N.C.E.E.S. and transmit it immediately to that Agency.

7.20.3 Cost of Publication and Notice. All costs associated with publication and notice set forth herein shall be born by the individual being disciplined. In the event that a person's registration is suspended, revoked, or not renewed, no further action may be

taken on any application for licensure by that individual until such time as all costs are paid.

- 7.2 Eligibility to Reapply. In the event that any individual shall have his registration revoked or not renewed for cause, that person shall not be permitted to reapply for registration for a period of not less than five (5) years. Upon re-application, it shall be the burden of the applicant to demonstrate by clear and convincing evidence that sufficient grounds exist to support the applicant's request for registration. The Board may modify this rule on a case by case basis when the registration was not renewed due to a registration suspension of less than five (5) years in duration.

## **8. PROFESSIONAL STANDARDS AND CONDUCT**

### **8.1 Rules of Professional Conduct**

#### **8.1.1 Preamble**

8.1.1(a) To comply with the purpose of the General Laws of the State of Rhode Island, Title 5, Chapter 8, Paragraph 1 (Public Laws 1990) as amended, which is to safeguard life, health and property, to promote the public welfare and to establish and maintain a high standard of integrity and practice, the State Board of Registration for Professional Land Surveyors has developed the following “Rules of Professional Conduct” as a Code of Ethics.

8.1.1(b) The Rules of Professional Conduct as promulgated herein are an exercise of the police power granted to the Board by virtue of the acts of the Rhode Island General assembly. The Rules of Professional Conduct shall be binding on all corporations, municipalities, state agencies, partnerships, sole proprietorships or other legal entities authorized to practice land surveying services in the State of Rhode Island.

8.1.1(c) All persons registered under Title 5, Chapter 8, Paragraph 1 (Public Laws 1990) are charged with having knowledge of the existence of these Rules of Professional Conduct, and shall be deemed to be familiar with their provisions. Each registrant is charged with the responsibility of adhering to standards of high ethical, moral and professional conduct in all aspects of the practice of land surveying.

8.1.1(d) In these Rules of Professional Conduct, the word “registrant” shall mean any person or entity holding either a registration or a certificate of authorization issued by this Board to practice land surveying.

### **8.2 Fundamental Canons**

Registrants, in the fulfillment of their professional duties, shall abide by the following fundamental canons:

- 8.2.1 Duty to the Public. Registrants shall at all times recognize that their primary obligation is to protect the life, health, and property, and to promote the public welfare. If their professional judgment is overruled under circumstances where the life, health, and public welfare are endangered, they shall notify their

employer or client and such other authority as may be appropriate. Registrants shall be objective and truthful in professional reports, statements or testimony. They shall include all relevant and pertinent information in such reports, statements or testimony.

- 8.2.2 In engaging in the practice of land surveying, a registrant shall act with reasonable care and competence, and shall apply the technical knowledge and skill which are ordinarily applied by land surveyors of good standing, practicing in the same locality.
- 8.2.3 Registrants may express publicly a professional opinion on technical subjects only when that opinion is founded upon adequate knowledge of the facts and competence in the subject matter.
- 8.2.4 Registrants shall avoid improper solicitation of professional employment.
- 8.2.5 A registrant shall comply with the registration laws and regulations governing his or her professional practice in any jurisdiction. A registrant may be subject to disciplinary action if, based on grounds substantially similar to those which may form the basis for disciplinary action in this jurisdiction, the land surveyor was disciplined in any other jurisdiction.

### 8.3 Use of Seal

- 8.3.1 Registrants shall approve, seal and certify only those plats, documents, and reports that conform to current land surveying standards adopted by this Board, which safeguard the life, health, and property, and to promote the public welfare.
- 8.3.2 The application of a land surveyor's seal shall indicate that the registrant has exercised direct control and personal supervision over the work to which the seal is affixed. Therefore, no registrant shall affix a name, seal, or certification to a plat, drawing, specification, design, or other work constituting the practice of land surveying which has been prepared by an unregistered or uncertified person or firm unless such work was performed under the direct control and supervision of the land surveyor. If the registrant is unable to seal completed land surveying work, such work may be sealed by another registered land surveyor after a thorough review and verification that the work has been accomplished to the same extent that would have been exercised had the work been done under the direct control and personal supervision of the registrant affixing the professional seal.
- 8.3.3 A registrant shall apply a seal to final and complete plans, drawings, plats, reports, designs, and specifications, prepared by him/her. All seal imprints on final documents shall also bear a signature and date.
- 8.3.4 Uncompleted or preliminary documents shall be clearly marked and identified as such and need not be sealed or signed.

- 8.3.5 Application of the seal and signature indicates acceptance of responsibility by the registrant sealing said documents for all work shown thereon unless clearly indicated in writing on each sheet.
- 8.3.6 The failure to conform to the above requirements shall constitute the failure to seal a document.
- 8.4 Duty to Avoid Conflicts of Interest
  - 8.4.1 Registrants shall act in professional matters for each employer or client as faithful agents or trustees, and shall avoid conflicts of interest.
  - 8.4.2 Registrants shall disclose all known potential conflicts of interest to their employers or clients by promptly informing them of any business association, interest, or other circumstances which could influence their judgment or the quality of their services.
  - 8.4.3 Registrants shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed to, and agreed to, by all interested parties.
  - 8.4.4 Registrants in public service as members, advisors or employees of a governmental body or department shall not participate in decisions with respect to professional services solicited or provided by them to their organizations.
  - 8.4.5 Except upon public disclosure of all pertinent facts and circumstances and consent of appropriate authority, Registrants shall neither solicit nor accept a professional contract from a governmental body on which a principal or officer of their organization serves as a member.
  - 8.4.6 Registrants shall not falsify or permit misrepresentation of their, or their associate's, academic or professional qualifications. They shall not misrepresent or exaggerate their 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 past accomplishments with the intent and purpose of enhancing their qualifications and their work.
  - 8.4.7 Registrants shall not offer, give, solicit, or receive, either directly or indirectly, any commission, gift, or other valuable consideration in order to secure work, and shall not make any political contribution in an amount intended to influence the award of a contract.
  - 8.4.8 Registrants shall issue no statements, criticisms, or arguments on technical matters which are inspired or paid for by interested parties, unless the registrants have prefaced their comments by explicitly identifying the

interested parties on whose behalf they are speaking, and by revealing the existence of any interest the registrants may have in the matters.

## 8.5 Other Ethical Proscriptions

It shall be considered unprofessional for a Professional Land Surveyor:

- 8.5.1 To act for his or her client or employer in professional matters other than as a faithful agent or trustee.
- 8.5.2 To injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other registrants, nor indiscriminately criticize other registrants' work, nor issue statements regarding the practice or works of other registrants, public or otherwise, which could reasonably be construed to harm the reputation or business prospects of another registrant excepting therefrom any obligation of a registrant to report misconduct when required hereunder or when otherwise required by applicable law, code or regulation.
- 8.5.3 To attempt to supplant another land surveyor or professional service provider after that professional's services have been retained.
- 8.5.4 To advertise in self-laudatory language or other manner derogatory to the dignity of the profession.
- 8.5.5 To attempt to circumvent Rhode Island General Laws by reviewing and stamping plans when not the land surveyor in direct "responsible charge" as defined by Law.
- 8.5.6 To assist in filing an application for "Certificate of Authorization" by appearing as the land surveyor in "responsible charge" when he or she does not meet the requirements for "responsible charge."
- 8.5.7 To review or continue the work of another surveyor for the same client or subsequent client except by notifying such surveyor in writing. In cases where it is explicitly clear that the surveyor has been terminated and notified by his or her client, the provisions of this paragraph are exempted.
- 8.5.8 To review or continue the work of another surveyor for the same client or subsequent client when fees remain outstanding except by notifying such surveyor and the client in writing.
- 8.5.9 To stamp or modify another surveyor's plans without his or her prior written consent or without specifying the nature and the extent of the revisions. All revisions, additions, and deletions are to be duly noted and characterized upon or within the report, document or plan, and shall be consistent with all other precepts regarding "responsible charge" contained in the Rules.
- 8.5.10 To willfully and knowingly violate the provisions of R.I.G.L. 5-8.1 as amended or to assist any person or entity seeking to do so.

## **9. BY-LAWS**

- 9.1 Name. The name of this Board shall be the "Board of Registration for Professional Land Surveyors" and shall be hereinafter referred to as the "Board".
- 9.2 Procedure. The latest edition of Robert's Rules of Order is adopted as the rules for conducting the business of this Board at its meetings, except where Robert's Rules of Order differs from the Rules and Regulations of this Board or the General Laws of Rhode Island.
- 9.3 Complaint, Hearings. It is the function of the Board to regulate the practice of Land Surveying within the State of Rhode Island as defined by the General Laws. The Board shall administer this function and investigate complaints and conduct hearings in accordance with Rule 7.
- 9.4 Office. The chief place of business shall be at the office of the "Board of Registration for Professional Land Surveyors of the Division of Design Professionals within the Department of Business Regulation (DBR). The current address of that office is:

1511 Pontiac Avenue, Building 68-2  
Cranston, Rhode Island 02920  
(401) 462-9530  
(401) 462-9532 fax

In the event that the current address or telephone number changes, such change shall not preempt any provision of these rules and regulations.

### **9.5 Meetings**

9.5.1 Posting of Meetings. All meetings shall be publicly posted as required by law.

9.5.2 Regular Meetings. Board meetings shall be held no less than ten (10) times a year. Special meetings may be called at the direction of the Chair. Monthly meetings will be held on the second Tuesday of the month at 1:00 P.M. at the Board headquarters unless otherwise directed by the Chair

9.6 Quorum. A quorum of the Board shall consist of not less than three (3) members.

9.7 Voting. All members of the board, including the chair, are entitled to vote and to make or to second motions. A majority vote of the attending members of the Board is required to pass a motion.

9.8 Order of Business. The Board shall establish and publish an agenda for each business meeting. The order of business will be set according to the published agenda.

9.9 Board Organization / Election of Officers. Annually, the Board shall elect a Chair, a Vice Chair and a Secretary at its November meeting. Officers shall assume office immediately after adjournment of the meeting at which they are elected. The Chair may not serve more than two (2) consecutive terms, and may be elected by succession.

### **9.10 Duties of Officers**

- 9.10.1 The Chair. The Chair shall, when present, preside at all meetings and shall appoint all committees. The Chair shall otherwise perform all duties pertaining to the office of Chair and shall sign all certificates, vouchers, and other official documents. The Chair may also add ad-hoc committees when required. The Chair shall be "Ex-Officio" member of all committees.
- 9.10.2 The Vice Chair. The Vice Chair shall, in the absence or incapacity of the Chair, exercise the duties and shall possess all the powers of the Chair.
- 9.10.3 The Secretary. The Secretary shall conduct and care for all correspondence in the name of the Board and shall record and file all applications, certificates of registration, examinations, registrations and revocations; be in possession of the official seal and affix same to all official documents upon order of the Chair and Board: sign all certificates; and keep a record of all meetings in a form approved by the Board. The Secretary shall prepare annually a roster showing the names and places of business of all registered professional land surveyors. The Secretary shall keep all records of the Board in a manner reasonably safe from all fire hazards. The Secretary shall supervise the Board's administrative office activities through the administrative assistant and properly advise the Board of matters requiring its attention. The Secretary shall give a detailed report to all Board members of all bills paid on a quarterly basis and provide for an annual audit of all financial records, with a copy of such accountings to be furnished to each Board member.
- 9.11 Vacancies. On an annual basis, the Chair will fill any vacancies for whichever committees he or she feels is appropriate to the Board business. If, for any reason, vacancies shall occur in the offices of Chair, Vice Chair, or Secretary, the Office shall be filled by an election of the Board members either at a regular meeting or a special meeting called for that purpose. For election, any candidate for an office shall receive not less than three (3) affirmative votes.
- 9.12 Finance. All monies shall be paid out as provided by the Laws of the State. All vouchers shall be signed by the Board's State designated staff representative who shall then present them to the State Treasurer for payment. The State Treasurer's warrants shall be returned to the designated staff representative for recording in the financial record of the Board who shall then distribute them upon request to the Board.
- 9.13 Rules & Regulations. A member of the Board shall be appointed to consider and recommend to the Board such modifications of the rules and regulations governing examinations, registrations and other procedures as will give the best operating results on an as needed basis.
- 9.14 Examination Coordination. A member of the Board shall be appointed to coordinate with the National Council of Examiners of Engineering and Surveying on the nature and scope of the examinations to be held by the Board and verify examination scores. The Board member shall also be charged with the organization of the State portion of the examination and shall invoke the help of the Board in approving questions and answers.
- 9.15 Complaint Investigation. The Board shall appoint an investigator and he or she shall, with the Secretary, screen all complaints and decide on the procedure for their treatment. He or she



shall act as complaint officer for such complaints. The Board may appoint its legal counsel to fulfill the purpose of this investigator.

9.16 Continuing Education. A member of the Board shall be appointed to report, to the Board, all data pertaining to continuing education, including available degree programs, whether instate or in close proximity to Rhode Island. The member may also consult with other individuals or organizations. Any actions taken by the Board regarding the approval or denial of a program for continuing education credits will occur in the public portion of the Board's monthly meetings.

9.17 Technical Standards Review. The Board shall appoint a member of the Board to periodically meet with the Rhode Island Society of Professional Land Surveyors and any other professional land surveying organizations in Rhode Island. At least once per year, he or she shall recommend, to the Board, whether changes or updates that should be made to technical standards.

9.18 Administrative Assistant

9.18.1 Responsibilities. The Board shall employ an individual as administrative assistant. The administrative assistant shall coordinate and direct the activities of all members of the staff and the Board's legal counsel. The administrative assistant shall be responsible for implementing all procedures incident to the examination and registration of applicants for registration as Professional Land Surveyors and/or Land Surveyors-in-Training, and issuance of Certificates of Authorization to practice land surveying in the State of Rhode Island. These procedures include dissemination of application forms, verification of information furnished by applicants, notifications to applicants, administration of examinations, reporting results of investigations and examinations to the Board, and issuance of Certificates. The administrative assistant shall implement the functions herein defined as responsibilities of the Secretary.

9.18.2 Coordination. The administrative assistant shall be responsible to the Board's Secretary for implementation of the functions herein defined as responsibilities of the Secretary. The administrative assistant shall maintain liaison with all Board members and the Board's legal counsel.

9.18.3 Reports. The administrative assistant shall make a formal report to the Board at each regular Board meeting, of all pertinent administrative, investigative and enforcement activities since the previous meeting. Investigative and enforcement reports may be made at more frequent intervals if circumstances dictate. Investigation and enforcement reports shall normally be prepared in collaboration with the Board's legal counsel.

9.18.4 Record. The administrative assistant shall maintain a computer record and hard copy file that contains the name, addresses of each Professional Land Surveyor and of each authorized firm, along with the respective certificate of authorization (C.O.A.) number, date of issuing certificate, kind of certificate, record of fees paid, and actions thereon.

9.19 National Council of Examiners for Engineering & Surveying. The Board is a member of the National Council of Examiners for Engineering & Surveying (N.C.E.E.S.) and as such is authorized to conduct N.C.E.E.S. examinations. The Board accepts N.C.E.E.S. Certificates as evidence of licensing in other jurisdictions.

9.20 Certificates of Registration & Certificates of Authorization

9.20.1 All Certificates of Registration issued to Professional Land Surveyors, Certificates for Land Surveyors-in-Training and Certificates of Authorization shall be signed by the Chairperson and the Secretary of the Board.

9.21 Sequence

9.12.1 The registration numbers for Professional Land Surveyors will be in numerical sequence and not transferable.

9.21.2 The Certificate of Authorization serial numbers will be in numerical sequence and not transferable.

9.22 Fees. The fee schedule, outlined below, lists those requests or submissions which typically require an accompanying fee. This list is provided merely for informational purposes as an example of current fees. The dollar amounts shown are the current fees as of this printing, and the fees may change from time to time without further notice in the Board's discretion. One should always verify the amount with the Board's office before submitting a payment. All application fees are non-refundable.

9.22.1 Land Surveyors

9.22.1(A) Fee to accompany the application:

RI Resident	\$100.00
Out of State Resident	\$150.00

9.22.1(B) Registration Fee:

Registration Fee	\$125.00
Annual Registration Renewal	\$125.00 per year

9.22.1(c) Reinstatement Registration

Within one year	2 x \$125.00=\$250.00
In excess of one year	\$125.00 x the number of years and fractions thereof plus a \$100.00 administrative penalty.

9.22.1(d) Initial and Re-examination fee

RI Resident	\$100.00
Out of State	\$100.00

9.20.1(e) Duplicate Certificate of Registration	\$50.00
9.22.2 Certificates of Authorization (COA)	
9.22.2(a) Certificate of Authorization (COA)	\$50.00 per year (\$10.00 per month fee added to delinquent applications)
9.22.2(b) Renewal of COA	\$50.00 per year \$10.00 per month fee added to delinquent applications)
9.22.3 Land Surveyor-in-Training	
9.22.3(a) Fee to accompany the application	
RI Resident	\$100.00
Out of State Resident	\$150.00

**10. Applications**

10.1 Licensing Applications & Certificate of Authorization Applications. Application forms for licensing as a Professional Land Surveyor or Land Surveyor in Training and to obtain a Certificate of Authorization may be obtained from the Board's office. All applications shall be completed in accordance with the instructions contained therein and submitted to the Board's office no later than four months prior to the scheduled date of the examination. The eligibility of each applicant to take the examination shall be as established by Rhode Island General Laws, Title 5, Chapter 8, Paragraph 1, Section 9, as amended from time to time.

**11. Land Surveyor-in-Training Designation**

11.1 Eligibility. The Land Surveyor-in-Training (LSIT) designation shall remain valid indefinitely. An applicant who has met the prescribed requirements, except that he or she holds a LSIT certificate issued by another state or political subdivision of the United States, shall be classified as a Land Surveyor Candidate and may be eligible for admission to the "Principles and Practice" and the "Rhode Island Examination" examinations if he or she has obtained the required training and experience. Credit for the Fundamentals of Land Surveying, however, shall be granted only if the certificate already held by the applicant is valid and active, was issued upon successful completion of a written examination with grades satisfactory to the Board by a legally constituted board of examiners, the examination was adjudged by the Board to be the equivalent of that given in Rhode Island at the time, and reciprocal privileges are granted to residents of Rhode Island by the other state or political subdivision.

## **12. Procedural and Technical Standards**

### **Table of Contents**

- 12.1 Types of Surveys
- 12.2 Boundary Surveys
- 12.3 Data Accumulation Surveys
- 12.4 Construction Surveys
- 12.5 Control Surveys
- 12.6 Compilation Plans
- 12.7 Plan Requirements, Certifications, and Seals
- 12.8 Monuments
- 12.9 Measurement Specifications for Surveys
- 12.10 Deviations From Published Standards

### **12.1 Types of Surveys**

#### **12.1.1 General**

The *type of survey* identifies the purpose and the content of the survey. The selection of a *type of survey* is made based on the reason for conducting the surveying services and/or for developing the final mapping products.

The *class of survey* identifies the measurement standards employed to collect data in the field. The *class of survey* (e.g. the measurement standards of precision, accuracy, methods and instrumentation employed) shall be consistent with the *type of survey* conducted.

#### **12.1.2 Types of Surveys**

Types of surveys include Boundary Surveys, Data Accumulation Surveys, Construction Surveys, Control Surveys and Compilation Plans. Types are defined and described in Section 12.2 through 12.6 following.

## **12.2 Boundary Surveys**

### **12.2.1 General**

A *boundary survey* is defined as the process of investigating, collecting and evaluating real property evidence from recorded, field, and other relevant sources, in order to formulate a professional opinion regarding the location of property boundaries. That opinion may be reported or published in different formats. The quality of the data and analysis sufficient to render the opinion, as well as to prepare any plan or report, shall meet the minimum standards set forth herein.

#### **12.2.10 Comprehensive Boundary Surveys**

##### **12.2.11 General**

###### **A. Definition**

1. A *comprehensive boundary survey* is a type of survey that formulates a professional opinion and reports the position of boundaries with respect to:
  - (a) substantial physical improvements and features, including buildings;
  - (b) recorded easements and observed evidence of their use;
  - (c) recorded and observed means of ingress and egress; and
  - (d) lines of physical occupation, including fences, walls, hedges and other such features;
2. A plan which summarizes the results of a comprehensive boundary survey shall depict or note:
  - (a) conflicts with recorded deed descriptions and/or plans;
  - (b) observed encroachments; and
  - (c) monuments recovered and/or set.

#### **12.2.12 Procedural Standards for Comprehensive Boundary Surveys**

##### **A. Research and Preliminary Analysis.**

The Professional Land Surveyor (PLS) shall:

1. Review legal description(s) of the property to be surveyed.
2. Review legal descriptions of abutting properties.
3. Where appropriate, conduct records research to analyze related senior and junior rights.
4. Review recorded (land evidence) documents affecting the survey.
5. Where appropriate, search for unrecorded survey information.
6. Review plans, documents and field notes affecting the survey that may be available from utility companies, State and municipal agencies, and other relevant private and public sources.
7. Where applicable, review state and municipal ordinances which pertain to the survey.
8. Evaluate and analyze the data.
9. Form preliminary conclusions as to the completeness of data and identify inconsistencies in the record information.
10. Formulate procedure for performing the field investigations and field data collection.

**B. Field Investigation.**

The PLS shall:

1. Search for and locate physical evidence and monuments and weigh their reliability.
2. Investigate parole and written evidence which impacts the positions of control monuments.
3. Where feasible, the survey shall be referenced to the Rhode Island State Plane Coordinate System.
4. Make observations and measurements to correlate existing evidence.
5. Take sufficient check measurements to verify the observations.
6. Locate substantial physical features, observed evidence of easements, observed means of ingress and egress, lines of physical occupation, and observed encroachments.
7. All field notes, measurements and observations made during the course of the survey shall be recorded in an appropriate form, and in a manner that is intelligible to other surveyors. These notes should indicate site location, street names, personnel, instrument identifications, date of observations, and weather conditions affecting measurements. Nothing herein shall preclude the use of electronic data collectors for the recordation of field notes.

**C. Computations, Analysis of Data and Formation of Conclusions.**

The PLS shall:

1. Calculate the position of the field evidence and analyze its consistency with record evidence.
2. In the event of substantial conflict with the work of another professional, the PLS shall make reasonable efforts to contact that professional and investigate the conflict.
3. Evaluate the data in accordance with professional principles, the law and/or precedent, and formulate a professional opinion regarding the location of property lines.
4. Provide monumentation of the survey on the ground in accordance with Section 12.2.13-B.
5. Retain all records that may be used to substantiate conclusions.

**12.2.13 Technical Standards for Comprehensive Boundary Surveys**

**A. Measurements**

1. Measurements shall be taken to a precision that is compatible with the relevance of the located feature to the boundary report.
2. Measurements shall be taken with properly calibrated instruments.
3. Any parcel of land that has an irregular boundary or a mathematically indefinable boundary shall have a closing “tie line” in the vicinity of the irregular boundary.

**B. Monuments for Comprehensive Boundary Surveys**

1. Monuments shall be established at not less than seventy percent (70%) of all corners in the boundary which define a deflection angle that exceeds sixty degrees (60°), and no point on a boundary shall be located more than five hundred (500) feet from a monument.
2. Monuments shall be established in accordance with Section 12.8.

**C. Plans for Comprehensive Boundary Surveys**

When a plan for a Comprehensive Boundary Survey is prepared, the elements identified in Section 12.7.1 and 12.7.2 shall be included on the plan.

## **D. Certification for Comprehensive Boundary Surveys**

When a plan for a Comprehensive Boundary Survey is prepared, the certification identified in Section 12.7.3 shall be included on the plan.

### **12.2.20 Limited Content Boundary Surveys**

#### **12.2.21 General**

##### **A. Definition**

A *Limited Content Boundary Survey*, as with a Comprehensive Boundary Survey, involves the process of investigating, collecting and evaluating real property evidence from recorded, field and other relevant sources in order to formulate a professional opinion regarding the location of boundaries. It differs from a Comprehensive Boundary Survey in that its scope is designed to meet a specific need of a client or regulating authority. That need can be met by a plan, report or field outcome that is less all-inclusive than would result from a Comprehensive Boundary Survey.

##### **B. Examples of Limited Content Boundary Surveys**

###### **1. Building Location Survey**

A survey that depicts or notes the position of existing or proposed buildings on the property with respect to boundaries, record easement lines and pertinent municipal setback requirements and deed restrictions. No other improvements or features need be depicted.

###### **2. Dimensional Conformance Survey**

A survey that depicts or notes the position of existing or proposed improvements with respect to boundary lines. The purpose of this survey is to enable a determination as to the conformity with municipal dimensional requirements. Only those portions of the boundaries pertinent to the issues being addressed must be depicted. No other improvements need be depicted.

###### **3. Feature Location Survey**

A survey that depicts or notes the position, horizontally and/or vertically, between existing and proposed improvements. No other improvements or features need be depicted.

###### **4. Easement Survey**

A survey that depicts and notes the position of an existing or proposed easement with respect to:

- a. boundary monumentation found or set;
- b. physical improvements and features;
- c. other record easements and visible evidence of the use thereof; and
- d. unresolved conflicts with record deed descriptions and maps.
- e. all visible encroachments.
- f. where boundaries are intersected by the easement lines, a statement of their type and class shall be made.

#### 5. Boundary Stake-Out Survey

A survey that marks or monuments a parcel's boundary corners or lines.

#### 6. Perimeter Survey

A survey that maps only a strip of land along the boundaries. Within such limited area, this survey documents the boundary location and the evidence of occupation on the subject parcel (and where practical on adjoining parcels) by depicting and noting the boundary position with respect to:

- a. substantial physical improvements and features;
- b. easements and visible evidence of the use thereof;
- c. record and apparent means of ingress and egress;
- d. lines of occupation, including fences, walls, hedges and other such features;
- e. conflicts with record deed descriptions and plans;
- f. apparent boundary encroachments, and
- g. monumentation recovered and/or set.

### **12.2.22 Procedural Standards for Limited Content Boundary Surveys**

#### **A. Research and Preliminary Analysis.**

The PLS shall:

1. Review legal description(s) of the property to be surveyed.
2. Review legal descriptions of all abutting properties.
3. Where relevant, perform deed research so as to analyze related senior and junior rights for the property to be surveyed and for all abutting properties.
4. Review copies of recorded (land evidence) documents affecting the survey.
5. Where feasible, search for abutting/adjoining unrecorded survey information.
6. Review from utility companies, state and municipal offices, title companies and other appropriate sources of information, including known private, and other public sources, the available plans, documents and field notes affecting the survey.
7. Where applicable, obtain copies of the state and municipal ordinances that pertain to the area of the survey.



8. Examine and analyze the data.
9. Form preliminary conclusions as to the completeness of data and identify inconsistencies in the record information.
10. Formulate procedure for performing the field investigations and field survey.

**B. Field Investigation.**

The PLS shall:

1. Search for and locate physical monuments and weigh their reliability.
2. Investigate possible parole and written evidence (e.g. unrecorded deeds) supporting positions of lost control monuments.
3. Take measurements to correlate existing evidence.
4. Whenever feasible, connect the survey to the Rhode Island State Plane Coordinate System.
5. Take sufficient check measurements to verify the observations.
6. Locate physical occupation lines (e.g. fences, hedges, walls, etc.) between abutting properties. Where applicable, advise client to review with legal counsel matters pertaining to adverse possession, the laws of acquiescence and other unwritten rights.
7. All field notes, measurements and observations made during the course of the survey shall be recorded in an appropriate form, and in a manner that is intelligible to other surveyors. These notes should indicate site location, street names, personnel, instrument identifications, date of observations, and weather conditions affecting measurements. Nothing herein shall preclude the use of electronic data collectors for the recordation of field notes.

**C. Computations, Analysis of Data and Formation of Conclusions.**

The PLS shall:

1. Calculate the position of the field evidence and analyze its consistency with record evidence.
2. In the event of substantial conflict with the work of another professional, the surveyor shall make reasonable efforts to contact that professional and investigate the matter.
3. Evaluate the data in accordance with professional principles, the law and/or precedent, and draw conclusions regarding the location of property lines.
4. Retain all records that may be used to substantiate conclusions.

**12.2.23 Technical Standards for Limited Content Boundary Surveys**

**A. Measurements**

1. Measurements shall be taken to a precision that is compatible with the relevance of the located feature to the boundary report.
2. Measurements shall be taken with properly calibrated instruments.
3. Any parcel of land that has an irregular boundary or a mathematically indefinable boundary shall have a closing “tie line” in the vicinity of the irregular boundary.

**B. Monuments for Limited Content Boundary Surveys**

1. The density of monuments shall be consistent with the purpose of the Limited Content Boundary Survey.
2. A sufficient number of monuments must be provided to enable the reproduction of the surveyed lines on the ground. Such monumentation shall not consist of fewer than two (2) monuments.

3. Monuments shall be established in accordance with Section 12.8. See especially 12.8.1.9.

**C. Plans for Limited Content Boundary Surveys**

When a plan for a Limited Content Boundary Survey is prepared, the elements identified in Section 12.7.1 and 12.7.2 shall be included on the plan.

**D. Certification for Limited Content Boundary Surveys**

When a plan for a Limited Content Boundary Survey is prepared, the certification identified in Section 12.7.3 shall be included on the plan.

**12.3 Data Accumulation Surveys.**

**12.3.1 General**

**A. Definition**

A *data accumulation survey* is designed to collect measurement data by field surveys and to depict and report the relative positions of existing physical objects and existing site conditions.

**B. Examples of Data Accumulation Surveys**

1. A *topographic survey* is a survey of the natural and man-made features of a part of the earth's surface by remote sensing and/or ground measurements in order to determine horizontal and vertical spatial relations.
2. A *hydrographic survey* is a survey of water bodies that may include the depth of water and the configuration of the bottom, directions and force of current, heights and times and water stages, and location of fixed objects for survey and navigation purposes.
3. A *planimetric survey* is a survey that presents the relative horizontal positions for features only, distinguished from a topographic survey by the omission of relief or elevations.
4. An *as-built survey* is a survey performed to obtain horizontal and vertical dimensional data about constructed improvements in order to depict and report their positions for the record.
5. Such *other surveys* designed to collect and report data as may be described in a statement regarding the purpose of the data accumulation survey.

## **C. Property Lines**

If a *data accumulation survey plan* depicts the location of property boundary lines or aims to show the relative positions (especially by dimensioning) between proposed or constructed improvements and boundaries, then a separate certification of the type of boundary survey shall be made.

### **12.3.2 Procedural Standards for Data Accumulation Surveys.**

#### **A. Research and Preliminary Analysis.**

The PLS shall:

1. Determine the purpose of the survey, the specific items of data to be accumulated and the degree of completeness and accuracy necessary.
2. Obtain from public agencies and utility companies, and local land evidence records copies of available deeds, maps and plans pertinent to the survey.
3. Review the available descriptions of monuments referencing the horizontal and vertical datums upon which the work is to be based.
4. Examine and analyze the data.
5. Form preliminary conclusions as to the completeness of data and identify inconsistencies in the record information.
6. Plan procedure for performing the field survey.

#### **B. Field Investigation.**

The PLS shall:

1. Search for and locate and verify monuments referencing horizontal and vertical datums.
2. Establish, adjust and monument necessary control lines to which the survey is to be referenced.
3. Extend the survey a reasonable distance beyond the limits of the project to include physical characteristics that may affect the site.
4. Take sufficient check measurements to verify the observations.
5. All field notes, measurements and observations made during the course of the survey shall be recorded in an appropriate form, and in a manner that is intelligible to other surveyors. These notes should indicate site location, street names, personnel, instrument identifications, date of observations, and weather conditions affecting measurements. Nothing herein shall preclude the use of electronic data collectors for the recordation of field notes.

#### **C. Computations, Analysis of Data and Formation of Conclusions.**

The PLS shall:

1. Make any reductions and compilations necessary.
2. Make necessary computations to verify correctness of measurements.
3. Evaluate and edit collected data, where applicable.
4. Prepare in an appropriate form, the results of the survey in a concise manner to minimize misinterpretation.

### **12.3.3 Technical Standards for Data Accumulation Surveys.**

#### **A. Measurements**

1. Measurements shall be taken to a precision that is compatible with project needs and with the size and geometric shape of the parcel involved.
2. Measurements shall be taken with properly calibrated instruments.
3. Vertical
  - a. Where feasible, elevations shall be referenced to the National American Vertical Datum of 1988 [NAVD 88] or other locally recognized datum.
  - b. A statement shall be made on all associated mapping as to the Class Standard of the leveling survey.
  - c. A minimum of two (2) project benchmarks shall be established on each site, and their locations, elevations and datum base shall be shown on the final plan. The reference benchmark upon which the project benchmarks are based shall also be indicated.
4. Topographic (manual):
  - a. Measurements shall be taken with a precision compatible with the nature and specifications of the project.
  - b. Vertical measurements shall be taken to the nearest hundredth of a foot when locating such “hard” features as building floor elevations, manholes, curbing, pipe inverts, pavement, etc.
  - c. Vertical measurements shall be taken to the nearest tenth of a foot when locating such “soft” features as natural ground, water levels, etc.
5. Topographic (aerial):
  1. Photogrammetric surveys shall conform to the standards published by the Federal Geographic Data Committee found in “Geospatial Positioning Accuracy Standards Part 3: National Standard for Spatial Data Accuracy” (FGDC – STD – 007.3 – 1998), as may be amended.
  2. The square root of the miles is intentionally omitted from V-3
  3. The maximum sight distance is suggested to ensure repeatability.

#### **B. Monuments for Data Accumulation Surveys**

1. The control lines or points to which the survey is referenced shall be marked with physical monuments set in a manner providing a degree of permanence consistent with the terrain, physical features and purpose of the survey
2. Monuments shall be established in accordance with Section 12.8.

#### **C. Plans for Data Accumulation Surveys.**

1. The client may be furnished the results of the survey in an appropriate form (e.g. plans, sketches, cross-sections, diagrams, tabulations, electronic files, etc.)

When a plan is prepared, in addition to the requirements of Section 12.7.1, it shall include the following:

- a. A statement describing the data accumulation methods employed (e.g. field survey, aerial photogrammetry, etc.) shall be included.
- b. If a portion of the data is compiled from secondary sources, those sources must be disclosed, together with a statement clarifying the extent to which the accuracy of such data was verified. Compiled data is subject to the restrictions set forth in Section 12.6.
- c. Identification of the horizontal and vertical datums to which the measurements are referenced.
- d. If property boundaries are shown, a statement of their Type per Section 12.1 and their Class per Section 12.9 shall be made.

#### **D. Certification for Data Accumulation Surveys**

When a plan for a Data Accumulation Survey is prepared, the certification identified in Section 12.7.3 shall be included on the plan.

### **12.4 Construction Surveys.**

#### **12.4.1 General**

##### **A. Definition.**

A construction survey is a survey whereby the PLS locates and identifies the horizontal and vertical positions of proposed construction or improvement. A PLS shall approach a construction survey in the same manner as other surveys in which a high degree of positional accuracy is required.

#### **12.4.2 Procedural Standards for Construction Surveys**

##### **A. Research and Preliminary Analysis for Construction Surveys.**

The PLS shall:

1. Obtain from the client the approved specifications and plans setting forth the project for which the layout survey is to be conducted.
2. Review from known private and public sources available copies of data affecting the project.
3. Determine the appropriate number of control points to be established and the relationship of said points to the proposed construction.
4. Examine and analyze the data.
5. Form preliminary conclusions as to the completeness of data and identify inconsistencies in the record information.
6. Plan the procedure for performing the construction layout.

##### **B. Field Procedures for Construction Surveys.**

The PLS shall:

1. Search for, locate, and verify monuments, lines or objects indicated by the construction documents as the intended references for the project's horizontal and vertical datums.
2. When appropriate, establish, adjust and monument control points and lines required for the final layout surveys.
3. Take sufficient check measurements to verify the observations.
4. All field notes, measurements and observations made during the course of the survey shall be recorded in an appropriate form, and in a manner that is intelligible to other surveyors. These notes should indicate site location, street names, personnel, instrument identifications, date of observations, and weather conditions affecting measurements. Nothing herein shall preclude the use of electronic data collectors for the recordation of field notes.
5. Immediately bring to the attention of the client and the author of the design plan such inconsistencies as may be disclosed by examination of the plans.

**C. Computations, Conclusions for Construction Surveys.**

The PLS shall:

1. Make necessary computations to verify the accuracy of measurements.
2. In the event of the discovery of any discrepancies between the construction documents and the layout as surveyed, notify the client, and indicate the corrective measures that were taken, if any.

**12.4.3 Technical Standards for Construction Surveys.**

**A. Measurements**

1. Measurements shall be taken to a precision compatible with the particular problem involved and with the size and nature of the project involved.
2. All linear measurements shall be taken with a properly calibrated instrument.

**B. Monuments**

1. Construction layout monuments shall be of a type and character and set in a manner providing a degree of permanency consistent with the terrain, physical features and intended use.
2. Sufficient monuments and offset information shall be provided to enable the user to check the accuracy of any points or lines established therefrom.
3. Monuments shall be witnessed in a manner that shall be easily discoverable. Any stakes that show offsets and/or cut and fill data shall also show sufficient information to identify the horizontal position of the referenced point.

**C. Plans for Construction Surveys.**

1. The client may be furnished the results of the survey in an appropriate form (e.g. plans, sketches, diagrams, cross-sections, electronic files, etc.)

When a plan is prepared, in addition to the requirements of Section 12.7.1, it shall include the following:

- a. Identification of horizontal and vertical datums to which the measurements are referenced.

- b. If property boundaries are shown, a statement of their Type per Section 12.1 and their Class per Section 12.9 shall be made.

#### **D. Certification for Construction Surveys**

When a plan for a Construction Survey is prepared, the certification identified in Section 12.7.3 shall be included on the plan.

### **12.5 Control Surveys**

#### **12.5.1 General**

##### **A. Definition**

A *control survey* is a high-accuracy survey typically required for large-scale geodetic control networks or construction projects such as bridges, tunnels and other complex urban area improvements. Their complicated methodology and high cost are factors that generally render control surveys unnecessary for private boundary purposes.

- B. Control Surveys shall conform to a Class II measurement standard.

#### **12.5.2 Procedural Standards for Control Surveys**

##### **A. Research and Preliminary Analysis**

The PLS Shall:

1. Arrive at a project scope through meetings with the client and gain an understanding of the project and the appropriate densification of monuments required to meet the client's needs.
2. Agree upon an elevation datum with the client. If a local datum is used, suggest to the client that the project be referenced to the NAVD 88 adjustment.
3. Research local National Geodetic Survey (NGS) control within and adjacent to the project area.
4. Review the project limits and design a network that is suitable.

##### **B. Field Investigation**

The PLS Shall:

1. Set out primary control monuments and tie them into a local project network using methods sufficient to meet the requirements of Section 12.9.
2. Prepare field sketches of the monument locations to enable future recovery of the monuments.

##### **C. Computations, Conclusions**

The PLS shall:

1. Make necessary computations to verify the accuracy of measurements.

2. In the event of the discovery of any discrepancies between the construction documents and the layout as surveyed, notify the client, and indicate the corrective measures that were taken, if any.

### **12.5.3 Technical Standards for Control Surveys**

#### **A. Measurements**

1. Measurements shall be taken to a precision that is compatible with project needs and with the size and nature of the project involved.
2. Measurements shall be taken with properly calibrated instruments.

#### **B. Monuments for Control Surveys**

1. Monuments shall be of a type and character and set in a manner providing a degree of permanency consistent with the terrain, physical features and intended use.
2. Sufficient monuments and offset information shall be provided to enable the user to check the accuracy of any points or lines established therefrom.
3. Monuments shall be witnessed in a manner that shall be easily discoverable. Any stakes that show offsets and/or cut and fill data shall also show sufficient information to identify the horizontal position of the referenced point.

#### **C. Plans for Control Surveys**

1. The client may be furnished the results of the survey in an appropriate form (e.g. plans, sketches, cross-sections, diagrams, tabulations, electronic files, etc.)

When a plan is prepared, in addition to the requirements of Section 12.7.1, it shall include the following:

- a. Identification of horizontal and vertical datums to which the measurements are referenced.
- b. If property boundaries are shown, a statement of their Type per Section 12.1 and their Class per Section 12.9 shall be made.

#### **D. Certification for Control Surveys**

When a plan for a Control Survey is prepared, the certification identified in Section 12.7.3 shall be included on the plan.

## **12.6. Compilation Plans**

### **12.6.1 General**

#### **A. Definition**

A *compilation plan* is a plan based upon other plans, survey maps, deeds, aerial photos, resource maps, GIS data, and other secondary sources. Such a plan may be supplemented by



field investigations and measurements. A compilation plan is always subject to such changes as an authoritative field survey may disclose.

- B. The accuracy of a compilation plan will vary with the quality of the data from which it has been compiled. Sources and quality of data shall be noted.
- C. A compilation plan is not a boundary survey, and is never suitable for use in the conveyancing of land. Such plans are used for conceptual design, tax maps, overlay maps, mortgage loan inspections, geographic information systems (GIS) databases, or similar presentations of information which are derived from secondary sources, and which are not the result of a boundary or other authoritative field survey.
- D. In addition to the required elements outlined in Section 07.00, a compilation plan shall prominently display the following disclaimer within the plan certification:

*“This compilation plan has been prepared from sources of information and data whose positional accuracy and reliability has not been verified. The property lines depicted hereon do not represent a boundary opinion, and other information depicted is subject to such changes as an authoritative field survey may disclose.”*

## **12.7 Plan Requirements, Certifications, and Seals**

### **12.7.1 General**

Whenever a plan for any type of survey is prepared, it shall include the following:

- a) A title block containing the type of survey, the location (Assessors Plat and Parcel Number, street name, town/city) of the parcel surveyed, month/day/year, scale, graphic scale and name and address of the firm or surveyor responsible for the survey. Revisions shall be noted near the title block with date and description.
- b) All lines and lettering sizes for plans shall be of such dimension and width as to be clear and legible when the plan is reproduced at one-half size.
- c) A vicinity map.
- d) North arrow and notation as to its reference (e.g. State Plane Coordinates, Magnetic or Assumed) shall be shown on each sheet. Magnetic bearings shall show the date of the observation.
- e) A legend indicating the definitions of all abbreviations and symbols used.
- f) Streets, roads, easements of record and/or usage (e.g. public, private or right-of-way). Names and route numbers of streets and ways within the plan area shall be indicated. References to State Highway Plats shall be included, where applicable. Stationing and offset ties shall be shown, where applicable.
- g) Location of buildings and other substantial physical features, as appropriate.
- h) Observed cemeteries and burial grounds.
- i) Classifications for both horizontal and vertical measurements shall be indicated. The seal, certification, and signature of the PLS in responsible charge shall appear on every plan.

### **12.7.2 Comprehensive Boundary Surveys and Limited Content Boundary Surveys**

In addition to those elements in Section 12.7.1, when a plan for a Boundary Survey is prepared, it shall include the following:

1. All pertinent bearings or angles, linear dimensions and areas shall be indicated to the accuracy of the measurements observed. At least one course of the survey shall be represented with a bearing referenced to the meridian.
2. The minimum data for all curve segments along the perimeter of the parcel is: central angle, radius, and the arc length. When lines are not radial or not tangent, the angle-to-chord or chord bearing and the chord dimension shall be shown.
3. Sufficient data to allow the retracement of all lines and points.
4. Name(s) of record property owner, and names of record abutting property owners. Abutting property identification shall include tax assessor's plat and parcel number and subdivision parcel number, where applicable.
5. When a planimetric or topographic feature controls the location of a line or position, the relationship of the feature to the line or position shall be shown. Benchmarks and datum shall be indicated when vertical control is required or stated.
6. Maps shall mathematically close within acceptable tolerance of rounding errors.
7. Any parcel of land that has an irregular boundary shall have a closing "tie line" in the general vicinity of said irregular boundary. The closing tie line shall be provided with all angular and linear dimensions required to mathematically close the survey.
8. Significant discrepancies between measured or calculated data and record data shall be disclosed on the plan. The plan shall state which of these values has been utilized in the resolution of the conflict.
9. Monumentation of the parcel being surveyed and monumentation of public ways that provide useful reference orientation shall be indicated. External reference monumentation utilized in conducting the survey shall be indicated. Monument notations shall include the character, type and condition of the monument and shall indicate whether the monument was "found" or "set". If known, the origin of found monuments shall be shown.
10. Observed encroachments and record evidence of easements.
11. Substantial physical improvements and features,
12. Lines of physical occupation and evidence of fences, walls, hedges, etc. that appear to indicate a boundary or corner. This evidence may be dimensioned using offset lines from the property line.
13. Recorded and observed means of ingress and egress.
14. Where appropriate and feasible, the corners of the parcel shall be referenced to the Rhode Island State Plane Coordinate System.
15. The area of the parcel(s) shall be shown.
16. The PLS shall recommend that the client file the plan in the Land Evidence Records of the Town or City in which the property is located.

### **12.7.3 Certification**

1. All plans, reports or other products prepared by the PLS shall bear a certification which substantially complies with the following form:

CERTIFICATION

This survey has been conducted and the plan has been prepared pursuant to Section 12 of the Rules and Regulations adopted by the Rhode Island State Board of Registration for Professional Land Surveyors on \_\_\_\_\_, 2013, as follows:

(a) Type of Boundary Survey: Measurement Specification

<i>[Insert one:</i>	<i>Comprehensive Boundary Survey</i>	<i>I</i>
	<i>Limited Content Boundary Survey</i>	<i>I</i>

*If neither, insert: Not a Boundary Survey]*

(b) Other Type of Survey:

<i>[Insert as applicable:</i>	<i>Data Accumulation Survey <sup>1</sup></i>	<i>III</i>
	<i>Construction Survey <sup>1</sup></i>	<i>I or II</i>
	<i>Control Survey</i>	<i>I or II</i>
	<i>Compilation Plan <sup>2</sup></i>	<i>IV</i>

*<sup>1</sup> Where applicable, also insert:*

*Vertical Control Standard (Section 12.9.3)*  
*Topographic Survey Accuracy (Section 12.9.4)*

*<sup>2</sup> In all cases, insert:*

*Compilation Plan Disclaimer (Section 12.6.1-D).*

(c) Statement of Purpose:

The purpose for the conduct of the survey and for the preparation of the plan is as follows:  
*[Insert: Detailed explanation]*

By _____	<i>[Insert PLS Signature]</i>
_____	<i>[Insert License No.]</i>
_____	<i>[Insert COA No.]</i>
_____	<i>[Insert Approved Seal]</i>

## **12.8. Monuments**

### **12.8.1 General**

1. Monuments are physical objects of reasonable longevity and permanence such as:
  - Stone or concrete bounds with minimum dimensions of four (4) inches square by thirty (30) inches long, with drill holes, crosses or disks marking the point;
  - Metallic disks, marked with a cross or punch hole, cemented firmly into an immovable object not subject to short-term deterioration. The disk shall be produced from a material that will not rust or deteriorate from oxidation or atmospheric pollution,
  - Drill holes of sufficient depth placed in sound, immovable objects;
  - Iron pipes or solid rods produced from ferrous or non-ferrous metals/materials; pipes and rods shall be marked with a cap or tag which identifies the PLS or the firm.
  - Foundation and building corners of stone, granite, brick, concrete or similar materials not subject to change or renovation, used as offsets;
2. Markers include nails, wooden and plastic stakes and other materials possessing a similarly limited life span.
3. In general, a sufficient number of monuments shall be placed that will allow for the convenient and accurate reproduction of the survey.
4. Streets and lots created in accordance with subdivision regulations shall be monumented in accordance with state and municipal regulations. At a minimum, monuments shall be established at the point of curvature (PC) and point of tangency (PT) of new street lines and at intersections and/or angle points along the boundary of the highway. No point along a highway boundary shall be located more than five hundred (500) feet from a monument.
5. It is not the intent of these standards to mandate the placement of required subdivision monuments by the PLS if the owner/developer defaults on its contractual obligations with the surveyor.
6. Markers may be set at any point not requiring a monument. Markers may be set in place of monuments where transitional site conditions dictate these as appropriate.
7. When a survey is performed which is based on non-record monuments, lines of possession, or other evidence which renders the locations of boundaries uncertain, the surveyor shall inform the client, and shall prepare a plan in accordance with Section 12.7.1 which indicates the basis of the boundary opinion.
8. When conditions require installation of a monument on an offset rather than at the true corner, the surveyor shall prepare a plan in accordance with Section 12.7.1.
9. In the event that monuments are not found/set at property corners or angle points, the surveyor shall prepare a plan in accordance with Section 12.7.1 showing the control monuments which reference the boundary location.

10. Monuments shall be witnessed in such a manner as to be easily discoverable, and may have the name of the firm or the surveyor responsible for the survey affixed thereto.

## 12.9 Measurement Specifications for Surveys

### 12.9.1 General

- A Class I measurement standard is appropriate to collect and report data to a high degree of positional accuracy. It results from the use of equipment and procedures that meet or exceed the tolerances listed in Section 12.9.2. Boundary surveys, subdivisions of land, title surveys, and many construction projects require this level of positional accuracy.
- A Class II measurement standard is appropriate when an *extremely* high degree of positional accuracy is required. Given the complexity and associated costs of obtaining such results, this standard is typically employed for large-scale geodetic control surveys and large-scale highway, bridge and tunnel projects.
- A Class III measurement standard is appropriate where a moderate positional accuracy is required. This standard is used for surveys designed to collect and report physical location data, typically for the purpose of evaluating existing conditions and/or the design of proposed improvements. Such surveys and plans tend to measure and depict the relative positions of physical features to a scale that is adequate to meet the purposes for which the survey is designed. If boundaries are depicted, they are *not* to be regarded as reliable unless the plan is also certified to an appropriate boundary standard.
- A Class IV standard indicates that data is depicted or reported from plans, survey maps, deeds, and other secondary sources, and is not necessarily the product of a field survey. This standard is never suitable for a boundary survey, but may be used for compilation plans, conceptual design plans, tax maps, overlay maps, mortgage loan inspections, geographic information system (GIS) and other presentations of information which have not been verified by an authoritative field survey. All plans prepared to this standard must prominently display the disclaimer listed in Section 12.6.1-D within the certification language.

### 12.9.2 Specifications for Horizontal Measurements.

DESIGN SPECIFICATIONS: It shall be the responsibility of the Professional Land Surveyor (PLS) in responsible charge to design specifications for field survey procedures sufficient to satisfy the positional accuracy standards for distance and angular measurements for the designated Class of Survey in order to assure that the required nominal positional accuracy ( Pn ) will be achieved, The specifications shall include the selection of appropriate instrumentation and field observation procedures to be employed. Tables I, II and III are to be used in conjunction with the various positional accuracy standards that may change from time to time such as those prepared by the Federal Geodetic Control Subcommittee entitled “Standards and Specifications for Geodetic Control Networks” and “Geometric Geodetic Accuracy Standards and Specifications for Using GPS Relative Positioning Techniques”. It

shall be the responsibility of the PLS to be informed on measurement technologies and methods for achieving repeatable positions within the tolerances stated herein.

**TABLE I**  
**1 SIGMA HORIZONTAL ACCURACY FOR TRAVERSE SURVEYS**

CLASS	NOMINAL POSITIONAL ACCURACY ( Pn) EXPRESSED AS RATIO	ALLOWABLE PRECISION FOR DISCRETE DIRECT MEASUREMENTS	
		LINEAR PRECISION (Ed)1	DIRECTIONAL PRECISION (Ea)2
I	1:10,000	± 0.01 FT	± 10"
II	1:50,000	± 0.01 FT	± 05"
III	1:300	± 1 FT	± 15'
IV	<i>COMPILATION OF EXISTING DATA - NOT A PRODUCT OF FIELD SURVEY</i>		

1. Ed may exceed tabular value for linear precision provided s/Ed expressed as ratio is greater than required nominal positional accuracy (Pn) for class of survey.
2. The tabular values for Ea are sufficient to satisfy the required directional element for the nominal positional accuracy (Pn) for each class of survey. The above notwithstanding it is recommended that Ea be kept in balance with Ed to avoid unnecessary degradation of actual positional accuracy.
3. This standard provides for the same allowable precision for measurements in a traverse circuit (either open or closed) and also any associated side shots.

**12.9.3 Specifications for Vertical Measurements.**

**TABLE II**  
**ACCURACY STANDARDS FOR VERTICAL CONTROL SURVEYS**

CLASS	LEVEL LOOP CLOSURE	MAXIMUM SIGHT DISTANCE
V-1	± 0.035' $\sqrt{\text{MILES}}$	300 FEET (see note 3)
V-2	± 0.020' $\sqrt{\text{MILES}}$	250 FEET (see note 3)
V-3	± 0.020' <i>(For local project control where the level loop is less than 1 mile)</i>	300 FEET (see note 2 and 3)
V-4	PHOTOGRAMMETRIC CONTROL - (see note 1)	

**Notes:**

1. Photogrammetric surveys shall conform to the standards published by the Federal Geographic Data Committee found in "Geospatial Positioning Accuracy Standards Part 3: National Standard for Spatial Data Accuracy" (FGDC – STD – 007.3 – 1998), as may be amended.
2. The square root of the miles is intentionally omitted from V-3

3. The maximum sight distance is suggested to ensure repeatability.

#### **12.9.4 Specifications for Topographic Surveys**

**TABLE III  
Topographic Survey Accuracy**

Each topographic survey shall conform to tolerances for topographic accuracy as follows:

<b>Class</b>	<b>Contour Interval Test</b>
T-1	90% within 1/2 contour interval
T-2	80% within 1/2 contour interval
T-3	This class of topographic map applies to photogrammetric maps for which the PLS provides the horizontal and vertical control. See 9.03 for photogrammetric mapping standards.

In using Topographic Accuracy Class T-1 or T-2, the PLS is expressing confidence that, should a test profile be run in the field, a plotted comparison with a profile scaled from the map shall be in agreement with the above criteria and the remainder shall be within the contour interval.

In using Topographic Accuracy Class T-1 or T-2, the horizontal position of features shall conform to Class III Accuracy

#### **12.9.5 Record of Measurement Data & Evaluation**

1. The entity holding the Certificate of Authorization ("COA Holder") issued by the Rhode Island State Board of Registration for Professional Land Surveyors shall maintain records of field measurements. Examples include: field notebooks, data collector raw files, electronic field book files, etc.
2. The COA Holder shall maintain records of the methods used to evaluate accuracy of the measurement evidence. Examples include: statistical testing, compass rule adjustment results, transit rule adjustment results, least squares adjustment results, comparison with values of higher accuracy, repeat measurements, estimation, etc.
3. The COA Holder shall maintain all contractual documentation, research materials, field notes, computation data, data files, original maps, and reports as a permanent record.

#### **12.10 - Deviation From Published Standards**

Nothing contained in these Standards shall prohibit reasonable deviations from the specific requirements of a particular Section when, in the prudent professional opinion of the land surveyor in responsible charge, an alternative approach or methodology will yield equal or better results, or is dictated by the particular circumstances of the survey activity involved, provided that such alternative approach or methodology shall comply with the overall intent of the procedural and technical standards as outlined herein.

### **13. Severability & Effective Date**

- 13.1 Severability. If any provision of these rules and regulations, or the application thereof, is held invalid by a court of competent jurisdiction, the validity of the remainder of the rules and regulations shall not be affected thereby.
- 13.2 Superseded Rules and Regulations. On the date that the rules and regulations take effect, the last approved rules and regulations by the Board on October 14, 2003, shall be superseded. However, any application to or action taken by the Board prior to the effective date of amended rules and regulations shall be governed by the rules and regulations in effect at the time that the application was filed or the action was taken.
- 13.3 Effective Date. Pursuant to RIGL Section 42-35-4, as amended, the within rules and regulations shall take effect twenty (20) days after they are filed with the Secretary of State.
- 13.4 Request for Amendment. Any interested person may petition the Board requesting the adoption, amendment, or repeal of any Rules and may accompany the petition with pertinent data, views, and arguments. All such petitions shall be submitted in writing and shall specifically and clearly indicate the following:
1. Identification of existing Rule by number.
  2. Full text of proposed Rule.
  3. Specific objections to existing Rule.
  4. Full text of any section of law related or affected.
  5. All comments, arguments, and views.
- 13.5 Disposition of Request. After consideration, subject to such procedures as may be required by the law, the Board will determine the proper disposition of such a petition as follows:
1. Dismissed, action deemed unnecessary.
  2. Returned to petitioner for re-submittal or additional information.
  3. Rule adopted, repealed, or amended by the Board.