



BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

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September 22, 2004

Mr. Dan C. Moye
County Surveyor
San Bernardino County
Department of Public Works
County of San Bernardino Economic
Development and Public Services Group
825 East Third Street
San Bernardino, California, 92415-0835

Table with 2 columns: Field and Value. Fields include Post-it® Fax Note (7671), Date (9/28), # of pages (2), To (MIKE EMMONS), From (DAN MOYE), Co./Dept. (S.B. COUNTY), Co. (S.B. COUNTY), Phone #, and Fax # (805-568-3318).

SUBJECT: Response to your letter of August 18, 2004

Dan
Dear Mr. Moye,

We are in receipt of your letter of August 18, 2004. Therein, and in the copy of the letter you attached thereto, not dated, addressed to "To whom it may concern" Re: "Map Submittal Requirements" you have asked for an opinion regarding Business and Professions Code (B&P), Professional Land Surveyors Act (PLSA), Section 8764 and the need, or lack of need, for legible copies of all deeds, easements, certificates of compliance and other instruments of title pertaining to the Records of Survey prepared and submitted to the County Surveyors Office for examination.

The answers to your questions contained herein are based only on the information you supplied. If additional information is provided that would alter any aspects of the information provided herein, then the answers to your questions may have need of modification based on that additional information, or circumstances, regarding this matter.

As stated in your letter, there are differing opinions in the San Bernardino County area regarding whether B&P, PLSA Section 8764 requires the submittal of such information to be made in conjunction with the Record of Survey submittal and examination processes:

Our response is as follows:

It is our opinion that the request in the above referenced letters is reasonable and is required pursuant to B&P, PLSA 8766 (a) for the examination of Records of Survey since that section specifically states that part of the examination requires "Its accuracy of mathematical data and substantial compliance with the information required by Section 8764". Without the submittal of the documents used and referred to on the Record of Survey, the County Surveyor performing the examination would have no way of determining that the information is in compliance and accurately reflects the location of that information on the map.

B&P, PLSA Section 8764 (d) requires "The relationship to those portions of adjacent tracts, streets, or senior conveyances which have common lines with the survey" be shown on a

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Record of Survey. In order to meet this requirement, the surveyor preparing the Record of Survey must have information in the form of recorded and/or un-recorded documents containing information relative to, or shown on the Record of Survey to determine the boundary line, property line, or other information shown thereon. Since the County Surveyor is required to examine the map for compliance with B&P, PLSA Section 8764 (d), and the other requirements noted above, then the person submitting the map for examination must supply the information upon which the map is based for this purpose. To expect the County Surveyor to obtain information during the examination process, some of which is not available to he or she, is not what was contemplated under B&P, PLSA Section 8766. If this service was intended to be performed in the examination process, then the costs for such examination pursuant to B&P, PLSA Section 8766.5 would undoubtedly be more than \$ 100.00, or a fee approved by a Board of Supervisors based on a staff report demonstrating that the cost of providing the examination service actually exceeds \$ 100.00 per Record of Survey.


B&P, PLSA Section 8766 (b) also requires "Its compliance with Sections 8762.5, 8763, 8764.5, 8771.5, and 8772". Therefore, the request to provide certificates of compliance together with the other documents is also reasonable and is required pursuant to B&P, PLSA 8762.5.

Further, it is not an unreasonable expectation for those professionals preparing and submitting Records of Survey for examination and filing with the County Surveyor's and Recorder's offices that they have an obligation, or requirement to supply the information used in the determination of the survey shown thereon and in preparation of the Record of Survey. The survey could not be performed without such information, therefore, the examination of the survey and map cannot be performed without having the information be supplied by the preparer of the Record of Survey for that purpose.

The laws, rules, and regulations regarding the practice of land surveying don't always specifically dictate matters concerning such issues, but the logic and intent can be discerned by understanding the process contemplated and the information required to perform such tasks as stated therein.

We trust that this information answers your questions and addresses your concerns. If you require any further information, or amplification, on any of the data contained herein, please contact us at your convenience.

Sincerely,



Cindi Christenson, P.E.
Executive Officer