



BOARD OF REGISTRATION FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

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January 4, 2006

Mr. Michael B. Emmons, Secretary
The League of California Surveying Organizations
Southern Region
County Surveyors Office
2nd Floor 123 East Anapamu Street
Santa Barbara, California, 93101

SUBJECT: Response to your letter of December 9, 2005

Dear Mr. Emmons,

We are in receipt of your letter of December 9, 2005. Therein, you have asked for an opinion regarding Business and Professions Code (B&P), Professional Land Surveyors Act (PLSA), Section 8765(d).

You specifically ask: "Question: Is the County Surveyor required to file a Corner Record if it is not in compliance with Section 8765(d), or if a Record of Survey is required under Section 8762 both of the Business and Professions Code?"

The answers to your questions contained 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.

Our response is as follows:

- 1) B&P, PLSA Section 8765(d) states "When the survey is a retracement of lines shown on a subdivision map, official map, or a record of survey, where no material discrepancies with those records are found and sufficient monumentation is found to establish the precise location of property corners thereon, provided that a corner record is filed for any property corners which are set or reset or found to be of a different character than indicated by prior records. For purposes of this subdivision, a "material discrepancy" is limited to a material discrepancy in the position of points or lines, or in dimensions.

The authority for the County Surveyor to examine and file the Corner Record is pursuant to B&P, PLSA Section 8773.2(a). Based on this Section, the County Surveyor shall examine the Corner Record for compliance with subdivision (d) of Section 8765 and Sections 8773, 8773.1 and 8773.4. Within 20 days, if, in the opinion of the County Surveyor, the Corner Record does not comply with the examination criteria in Section 8773.2(a), then the County Surveyor shall return it to the person who submitted it together with a written statement of the changes necessary to make it conform to Section 8773.2(a). The licensed land surveyor or registered civil engineer who submitted the Corner Record may then make the changes in compliance with Section 8773.2(a) and resubmit the Corner Record

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for filing. The County Surveyor shall file the Corner Record within 10 working days after receipt of the resubmission, or within 10 days, if matters appearing on the Corner Record cannot be agreed upon by the licensed land surveyor or registered civil engineer and the County Surveyor and the licensed land surveyor or registered civil engineer resubmits and requests the Corner Record be filed without further change, an explanation of the differences shall be noted on the Corner record and it shall be submitted to and filed by the County Surveyor. Within 10 days of the filing of the corner Record with an explanatory note by the County Surveyor, the County Surveyor shall transmit a copy of the filed Corner Record licensed land surveyor or registered civil engineer who submitted the Corner Record.

This is the procedure required by state law regarding the examination and filing of Corner Records. The law is clear that the County Surveyor is required to file the Corner Records submitted to he, or she for examination and filing either as submitted with the agreed changes necessary to make it conform to Section 8773.2(a), or with a note of the explanation of the differences of opinion between the County Surveyor and licensed land surveyor or registered civil engineer who submitted the Corner Record.

In cases where a Corner Record is filed with such a note of the explanation of the differences of opinion between the County Surveyor and licensed land surveyor or registered civil engineer who submitted the Corner Record, the County Surveyor may refer the Corner Record to the Board for review regarding compliance, or non compliance with California Laws, Rules and Regulations. If the Corner Record is not in compliance, the Board may pursue disciplinary action against the licensed land surveyor or registered civil engineer who submitted the Corner Record. The Board is charged with enforcing compliance with state laws regarding the practice of land surveying in the State of California and will take the appropriate actions in such cases.

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 performing 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