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GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

ORLENE HAWKS  
DIRECTOR

## MICHIGAN BOARD OF PROFESSIONAL SURVEYORS MEETING

### APPROVED MINUTES SEPTEMBER 8, 2021

In accordance with the Open Meetings Act, 1976 PA 267, as amended, the Michigan Board of Professional Surveyors met on September 8, 2021, at 611 West Ottawa Street, Upper-Level Conference Room 3, Lansing, Michigan 48933.

#### CALL TO ORDER

James D. Hollandsworth, Chairperson, called the meeting to order at 9:00 a.m.

#### ROLL CALL

**Members Present:** James D. Hollandsworth, PS, Chairperson  
Jennifer R. Myers, Architect, Vice Chairperson  
Zachary Baker, PS  
Brett Dodge, PS  
Kelly M. Fedele, PE, PS  
Timothy A. Platz, PS  
Steven Warren, PE

**Members Absent:** Sharmay M. Wood, Public Member

**Staff:** Weston MacIntosh, Senior Policy Analyst, Boards and Committees Section  
Stephanie Wysack, Board Support, Boards and Committees Section

#### APPROVAL OF AGENDA

MOTION by Fedele, seconded by Platz, to approve the agenda, as presented.

A voice vote followed.

MOTION PREVAILED

## **APPROVAL OF MINUTES**

MOTION by Myers, seconded by Baker, to approve the minutes from May 12, 2021, as written.

A voice vote followed.

MOTION PREVAILED

## **REGULATORY CONSIDERATIONS**

None

## **OLD BUSINESS**

None

## **NEW BUSINESS**

### **2022 Public Notice**

Wysack presented the 2022 Public Notice and let the Board know that it had been uploaded to Egress, in the Department Resources folder.

### **Resolution Presentation**

Hollandsworth presented a Resolution to Andrew Kurncz, honoring the time he served on the Michigan Board of Professional Surveyors.

### **Elections**

MacIntosh ran the election for Chairperson.

MOTION by Myers, seconded by Platz, to re-elect Hollandsworth as Chairperson.

A roll call vote was taken: Yeas: Baker, Dodge, Fedele, Platz, Warren, Myers, Hollandsworth  
Nays: None

MOTION PREVAILED

MacIntosh ran the election for Vice Chairperson.

MOTION by Platz, seconded by Fedele, to re-elect Myers as Vice Chairperson.

A roll call vote was taken: Yeas: Baker, Dodge, Fedele, Platz, Warren, Myers, Hollandsworth  
Nays: None

MOTION PREVAILED

### **Committee Assignments**

Hollandsworth made the following assignments to the Rules Committee: Baker, Myers, and Platz.

### **Rules Discussion**

MacIntosh gave an overview of the substantive changes to the draft rules (Attachment #1) and explained the next steps in the rules promulgation process.

MOTION by Dodge, seconded by Platz, to discuss.

A voice vote followed.

MOTION PREVAILED

Discussion was held.

MOTION by Dodge, seconded by Platz, to approve the draft rules.

A roll call vote was taken: Yeas: Baker, Dodge, Fedele, Platz, Warren, Myers, Hollandsworth  
Nays: None

MOTION PREVAILED

### **Chair Report**

Hollandsworth stated that the NCEES 2021 Annual Meeting was cancelled and is now being held virtually on September 15, 2021.

### **Department Update**

Wysack stated that NCEES was celebrating its 100<sup>th</sup> anniversary, and in recognition, sent all Board members a commemorative pin, and the "History of NCEES" book for the Board Chairperson and Vice Chairperson.

Wysack reminded the Board Members to check their state email address regularly. She explained how to complete the travel voucher in their blue folders and the importance of registering with Sigma for reimbursement. She stated that changes had been made to the process for paying for parking.

MacIntosh stated that the Bureau will hold the next new Board Member Training on January 18, 2022. All Board members are welcome to attend.

### **PUBLIC COMMENT**

None

### **ANNOUNCEMENTS**

The next regularly scheduled meeting will be held January 12, 2022, at 9:00 a.m. at 611 West Ottawa Street, Upper-Level Conference Center Room 3, Lansing, Michigan 48933.

### **ADJOURNMENT**

MOTION by Fedele, seconded by Platz, to adjourn the meeting at 9:22 a.m.

A voice vote followed.

MOTION PREVAILED

Minutes approved by the Board on: January 12, 2022.

Prepared By:  
Stephanie Wysack, Board Support  
Bureau of Professional Licensing

September 9, 2021

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

PROFESSIONAL SURVEYORS – GENERAL RULES

Filed with the secretary of state on

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the board by section 308 of the occupational code, 1980 PA 299, MCL 339.308; and on the director of the department of licensing and regulatory affairs by sections 205 and 2009 of the occupational code, 1980 PA 299, MCL 339.205 and 339.2009; and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

R 339.17101, R 339.17201, R 339.17202, R 339.17203, R 339.17301, R 339.17303, R 339.17401, R 339.17505, and R 339.17506 of the Michigan Administrative Code are amended as follows:

PART 1. GENERAL PROVISIONS

R 339.17101 Definitions.

Rule 101. (1) As used in these rules:

- (a) ~~"Act"~~ **"Code"** means the occupational code, 1980 PA 299, MCL 339.101 to 339.2677.
  - (b) "Continuing education" means an instructional course or activity designed to bring licensees up to date on a particular area of knowledge or skills relevant to a licensee's area of professional practice.
  - (c) "Department" means the department of licensing and regulatory affairs.
- (2) ~~Terms A term~~ defined in the ~~act~~ ~~have~~ **code** ~~has~~ the same ~~meanings~~ **meaning** when used in these rules.

PART 2. EDUCATION, EXPERIENCE, AND EXAMINATIONS

R 339.17201 Educational requirements.

Rule 201. An applicant for a professional surveyor license shall ~~submit~~ **provide** 1 of the following to satisfy the educational requirements under the ~~act~~: **code**:

(a) Transcripts verifying that ~~he or she~~ **the applicant** received a baccalaureate degree or higher degree in a surveying program accredited by any of the following:

(i) The Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc. (EAC/ABET).

(ii) The Engineering Technology Accreditation Commission of ABET (ETAC/ABET).

(iii) The Applied and Natural Science Accreditation Commission of ABET (ANSAC/ABET).

(b) A National Council of Examiners for Engineering and Surveying (NCEES) credentials evaluation that verifies ~~he or she~~ **the applicant** received a baccalaureate degree or higher degree and ~~meets~~ **satisfies** the NCEES surveying core program requirements found in the NCEES Surveying Education Standard.

(c) A credentials evaluation that verifies ~~he or she~~ **the applicant** received a baccalaureate degree or higher degree in surveying from an educational program that is substantially equivalent to a baccalaureate degree or higher degree program that is accredited by EAC/ABET, ETAC/ABET, or ANSAC/ABET. The credentials evaluation must be generated by a company that is a current member of the National Association of Credential Evaluation Services (NACES).

R 339.17202 Professional surveying experience; verification; educational credit for experience.

Rule 202. (1) ~~Pursuant to~~ **Under** section 2004(3)(a) of the ~~act, code,~~ MCL 339.2004(3)(a), an applicant for a professional surveyor license shall document at least 8 years of professional experience in professional surveying, including not more than 5 years of education. An applicant shall satisfy the requirements of this rule to receive credit for professional experience.

(2) Professional surveying work that is performed while under the supervision of a professional surveyor who is licensed or registered in Michigan or another state and involves work in 1 or more of the following areas qualifies as professional experience:

(a) Providing professional services such as consultation, investigation, testimony, evaluation, planning, mapping, assembling, and interpreting reliable scientific measurements and information relative to the location, size, shape, or physical features of the earth, improvements on the earth, the space above the earth, or any part of the earth, and the utilization and development of these facts and interpretations into an orderly survey map, plan, report, description, or project.

(b) Land surveying, which is the surveying of an area for its correct determination or description for its conveyance or for the establishment or reestablishment of a land boundary and the designing or design coordination of the plotting of land and the subdivision of land.

(c) Geodetic surveying, which includes surveying for a determination of the size and shape of the earth, both horizontally and vertically, and the precise positioning of points on the earth utilizing angular and linear measurements through spatially oriented spherical geometry.

(d) Utilizing and managing land information systems through the establishment of datums and local coordinate systems and points of reference.

(e) Engineering and architectural surveying for design and construction layout of infrastructure.

(f) Cartographic surveying for the making of maps, including topographic and hydrographic mapping.

(3) An applicant for a professional surveyor license shall ~~submit~~ **provide** to the department 1 of the following to receive credit for professional experience:

(a) Proof acceptable to the department verifying that ~~he or she~~ **the applicant** has obtained not less than 4 years of experience practicing as a licensed or registered professional surveyor in another state.

(b) All of the following:

(i) The dates of performing work that satisfies the requirements under subrule (2) of this rule.

(ii) The supervising individual's name, license or registration number, and state in which the supervising individual is licensed or registered as a professional surveyor.

(iii) Documentation from the supervising individual attesting to the work experience, supervision, and the dates of work and supervision.

(4) The department shall grant not more than 5 years of professional experience in professional surveying to an applicant holding a degree that satisfies the requirements under R 339.17201. Credit must be granted in the following amounts:

(a) Not more than 4 years of professional experience must be granted for a baccalaureate degree. Experience must be granted for only 1 baccalaureate degree.

(b) Not more than 1 year of professional experience must be granted for a post-baccalaureate degree. Experience must be granted for only 1 post-baccalaureate degree.

#### R 339.17203 Examination requirements.

Rule 203. An applicant for a professional surveyor license shall satisfy all ~~of~~ the following ~~to meet the~~ examination requirements under the ~~act~~: **code**:

(a) Achieve a passing score on the Fundamentals of Surveying Examination administered by NCEES. A passing score on the exam must be determined by NCEES.

(b) Achieve a passing score on the Principles and Practice of Surveying Examination administered by NCEES. A passing score on the exam must be determined by NCEES.

(c) Achieve a passing score on the Michigan Professional Surveying Examination. A passing score on the exam must be determined by the department's chosen administrator of the exam.

### PART 3. PROFESSIONAL SURVEYOR SEAL AND RELICENSURE

#### R 339.17301 Professional Surveyor Seal.

Rule 301. (1) Effective 60 days after the promulgation of this rule, the seal of a professional surveyor must include the licensee's ~~full~~ name and **full** license number, as shown on ~~his or her~~ **the licensee's** state-issued professional surveyor license, and indicate "State of Michigan" and "Licensed Professional Surveyor" in the legend surrounding the seal. The seal must have a design substantially ~~similar~~ **equivalent** to Figure 301 below.

(2) A licensee's seal must be used by the licensee whose name appears on the seal for so long as the license ~~remains still is~~ in effect. A licensee is responsible for the security of ~~his or her~~ **the licensee's** seal.

FIGURE 301



R 339.17303 Relicensure.

Rule 303. (1) An applicant whose license has lapsed for less than 3 years after the expiration date of the last license may be relicensed under section 411(3) of the ~~aet, code,~~ MCL 339.411(3), by satisfying all ~~of~~ the following requirements.

(a) ~~Submitting~~ **Providing** a completed application on a form provided by the department.

(b) Paying the required fee to the department.

(c) ~~Submitting~~ **Providing** proof to the department that ~~he or she~~ **the applicant** completed 15 hours of continuing education, 1 of which must be in the area of professional ethics related to surveying, in activities approved under R 339.17506 during the 1-year period immediately preceding the date of filing the relicensure application. If the department determines that the amount of the continuing education hours ~~submitted~~ **provided** with the application is deficient, the applicant has 1 year from the date of filing the application to provide proof of completing the deficient hours.

(2) An applicant whose license has lapsed for 3 years or more after the expiration date of the last license may be relicensed under section 411(4) of the ~~aet, code,~~ MCL 339.411(4), by satisfying all ~~of~~ the following requirements:

(a) ~~Submitting~~ **Providing** a completed application on a form provided by the department.

(b) Paying the required fee to the department.

(c) Establishing that ~~he or she~~ **the applicant** has met all ~~of~~ the requirements for initial licensure under the ~~aet code~~ and these rules.

(d) ~~Submitting~~ **Providing** proof to the department verifying that ~~he or she~~ **the applicant** completed 30 hours of continuing education, 2 of which must be in the area of professional ethics related to surveying, in activities approved under R 339.17506 during the 2-year period immediately preceding the date of filing the relicensure application. If the department determines that the amount of the continuing education hours ~~submitted~~ **provided** with the application are deficient, the applicant has 1 year from the date of filing the application to provide proof of completing the deficient hours.

#### PART 4. STANDARDS OF PRACTICE AND PROFESSIONAL CONDUCT

R 339.17401 Solicitation of employment; restrictions; exception.

Rule 401. (1) In the solicitation of employment, a licensee shall not falsify, or permit the misrepresentation of, the academic or professional qualifications of the licensee or the licensee's associates.

(2) A licensee shall not offer to pay or give, or pay or give, directly or indirectly, to a client or potential client or to the agent of a client or potential client, a commission, contribution, gift, or other substantial valuable consideration to secure or retain professional surveying work. This restriction does not include payments to an employment agency for the purpose of securing employment or employees for salaried positions.

(3) A licensee shall seek professional employment ~~on the basis of~~ **based on** the licensee's qualifications, competence, and ability to properly accomplish the employment sought.

R 339.17402 Conflict of interest.

Rule 402. (1) To avoid a conflict of interest, a licensee shall promptly inform, in writing, an employer or client of the licensee or a public body on which the licensee serves of any employment, business association, interest, duty, or circumstance if that relationship is with another and involves the current or prospective work assignment of the licensee with that employer, client, or public body.

(2) A licensee shall not accept compensation, financial or otherwise, from more than 1 party for services performed on the same project or assignment, unless the circumstances are fully disclosed to all parties that pay, or are required to approve payment, for the work performed by the licensee.

(3) A licensee shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with the client or employer of the licensee in connection with work for which the licensee is responsible, nor shall the licensee solicit or accept financial or other valuable consideration from another for specifying products or services.

R 339.17403 Participation in project; responsibilities; survey identification.

Rule 403. (1) A licensee shall undertake to participate only in those phases of a project in which the licensee is competent. In the areas of a project involving architecture or professional engineering in which the licensee lacks competence, the licensee shall retain licensed professional associates for those phases of that project.

(2) A licensee is responsible for clear, accurate, and complete development of plats, plans, drawings, specifications, survey reports, and other instruments of service as is customary in the practice of the licensee's profession, and the material shall properly satisfy the need for which it is intended.

(3) Surveys and drawings not intended to delineate, monument, or define property boundaries and limits shall be clearly identified as not being boundary surveys.

PART 5. CONTINUING EDUCATION

R 339.17505 Continuing education; license renewal; requirements.

Rule 505. (1) An applicant for license renewal who has been licensed during the 2-year period immediately preceding the expiration date of the license shall obtain not less than 30 hours of continuing education during the 2-year period immediately preceding the expiration date of the license and satisfy both of the following requirements:

(a) Obtain 2 of the 30 hours of continuing education in an activity that focuses on the area of professional ethics related to surveying. The professional ethics related to surveying is not required to focus on areas specific to Michigan administrative rules or statutes.

(b) Obtain all of the 30 hours of continuing education in activities that satisfy the requirements under R 339.17506.

(2) Submission of an application for renewal constitutes the applicant’s certification of compliance with this rule and R 339.17506.

(3) A licensee shall ~~retain~~ **keep** documentation of satisfying the requirements of this rule and R 339.17506 for a period of 4 years from the date of filing the application for license renewal.

(4) A licensee is subject to audit under this part and may ~~be required~~ **have** to ~~submit~~ **provide** documentation as described by R 339.17506 upon request of the department.

(5) A request for a continuing education waiver ~~pursuant to~~ **under** section 204(2) of the ~~act,~~ **code**, MCL 339.204(2), must be received by the department before the expiration date of the license.

R 339.17506 Acceptable continuing education; limitations.

Rule 506. (1) The department shall grant credit for continuing education hours that satisfy the requirements in the following chart:

Activity Code	Activity and Proof Required	Number of Continuing Education Credits for the Activity
(a)	<p>Completing a continuing education program or activity related to professional surveying that is approved or offered for continuing education credit by another state board of professional surveyors.</p> <p>If audited, a licensee shall <del>submit</del> <b>provide</b> documentation or certificate of completion showing the licensee’s name, total continuing education credits earned, sponsor name and</p>	<p>The number of continuing education credits approved by the approving entity must be granted for this activity.</p>

	contact information, program title, and the date the program was held or completed.	
(b)	<p>Passing an academic course related to professional surveying from a baccalaureate degree or higher degree surveying program that is accredited by EAC/ABET, ETAC/ABET, or ANSAC/ABET.</p> <p>If audited, a licensee shall <del>submit</del> <b>provide</b> a copy of the transcript showing credit hours of the academic courses related to surveying.</p>	Fifteen continuing education credits must be granted for each semester credit or 10 continuing education credits must be granted for each quarter credit.
(c)	<p>Attending a seminar, in-house course, workshop, or professional or technical presentation related to surveying.</p> <p>If audited, the licensee shall <del>submit</del> <b>provide</b> a copy of the presentation notice or advertisement showing the date of the presentation, the licensee's name listed as a presenter or attendee, and the name of the organization that approved or offered the presentation.</p>	One continuing education credit must be granted for every 50 minutes of continuous instruction.
(d)	<p>Presenting a seminar, in-house course, workshop, or professional or technical presentation related to surveying. A licensee shall not receive credit for a presentation offered as part of their regular job description or duties.</p> <p>If audited, the licensee shall <del>submit</del> <b>provide</b> a copy of the presentation notice or advertisement showing the date of the presentation, the licensee's name listed as a presenter or attendee, and the name of the organization that approved or offered the presentation.</p>	Two continuing education credits must be granted for every 50 minutes of continuous instruction.
(e)	<p>Teaching, instructing, or presenting a subject related to professional surveying that is part of an academic course related to surveying that is offered at a college or university.</p> <p>If audited, a licensee shall <del>submit</del> <b>provide</b> documentation by the college or university confirming the licensee as the teacher, instructor, or presenter of the academic course, the dates of the course or presentation, number</p>	Two continuing education credits must be granted for every 50 minutes of continuous instruction.

	of classroom hours spent teaching, instructing, or presenting, and the course title.	
(f)	<p>Initial publication of a peer-reviewed paper, article, or book related to surveying.</p> <p>If audited, the licensee shall <del>submit</del> <b>provide</b> a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</p>	Six continuing education credits must be granted for this activity.
(g)	<p>Serving as a voting member on a state or national surveying committee, board, council, or association. To receive credit, a licensee shall <del>participate</del> <b>take part</b> in at least 50% of the regularly scheduled meetings of the committee, board, council, or association.</p> <p>If audited, a licensee shall <del>submit</del> <b>provide</b> documentation satisfactory to the department verifying the licensee's participation in at least 50% of the regularly scheduled meetings of the committee, board, council, or association.</p>	Three continuing education credits must be granted for the year in which the licensee serves as a member.
(h)	<p>Attending a Michigan board of professional surveyors meeting. To receive credit, the licensee shall obtain a form provided by the department from a department employee present at the meeting and have that employee complete, sign, and date the form. The licensee shall present a valid government-issued photo identification to the department employee for verification.</p> <p>If audited, the licensee shall <del>submit</del> <b>provide</b> a copy of the form completed, signed, and dated by the department employee who was present at the meeting.</p>	One continuing education credit must be granted for each meeting attended.
(i)	<p>Serving as a school-sponsored mentor to a surveying student in a school-sponsored program. To receive credit, this activity shall not be part of the licensee's regular job description.</p> <p>If audited, the licensee shall <del>submit</del> <b>provide</b> a letter from an authorized official from the school verifying the licensee's role and the number of mentoring hours the licensee provided.</p>	Four continuing education credits must be granted for this activity.

(j)	Obtaining patents related to surveying.	Ten continuing education hours must be granted for each approved patent.
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(2) Continuing education credits must not be granted for a program or activity that has substantially the same content of a program or activity for which the applicant has already earned continuing education credits during the renewal period.

(3) Not more than 12 continuing education credits must be earned during a 24-hour period.

(4) As used in this rule, "continuous instruction" means the time spent completing an activity not including breakfast, lunch, or dinner periods, coffee breaks, or any other breaks in the program.