



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
ACTING DIRECTOR

**MICHIGAN BOARD OF SURVEYORS
RULES COMMITTEE WORK GROUP
MEETING**

**MINUTES
NOVEMBER 13, 2023**

The Michigan Board of Surveyors Rules Committee Work Group, met on November 13, 2023. The meeting was held via Zoom.

CALL TO ORDER

Weston MacIntosh, JD, Departmental Specialist, called the meeting to order at 3:00 p.m.

ATTENDANCE

Members Present: Zachary Baker, PS
Jennifer R. Myers, Architect
Timothy A. Platz, PS

Members Absent: Kelly M. Fedele, PE, PS

Staff Present: Weston MacIntosh, JD, Departmental Specialist,
Boards and Committees Section
Stephanie Wysack, Board Support Technician,
Boards and Committees Section

Public Present: Gilbert Barish, PS - self
Paul Funk – self
Brett Hollandsworth – President, Michigan Society of
Professional Surveyors
Shawn Roy – self

WELCOME

RULES DISCUSSION: Professional Surveyors – General Rules (A copy of the draft rules, pursuant to today’s discussion, is attached.)

MacIntosh stated that the purpose of opening the rules was to include mandated stylistic requirements, update standards, and any other items that might have changed in the field, as well as to provide a forum for the public to contribute to the rulemaking process.

R 339.17203 Examination requirements.

Platz stated that NCEES has been discussing changing the required examination to a 4-part examination that includes core, boundaries, incidental drainage, and mapping sciences with a separate public land survey system (PLSS) examination. The western states are in favor of a separate PLSS examination as it would allow them to remove their state examination. He stated that the Michigan examination is light on PLSS matter and covers state specific laws.

Discussion held as to whether the Michigan examination covered necessary areas.

Platz and Baker agreed that the rule should stay as written and that the Michigan examination covered gaps that may not be covered under the current NCEES examination.

Funk stated that the PLSS examination was difficult to navigate, and the state examination was necessary to fill state specific knowledge requirements.

R 339.17303 Relicensure.

Subdivision (1)(c): MacIntosh stated that he updated the rule to have the same relicensure continuing requirements as what is needed for renewal. The rules are currently written to only require half of the requirement.

Discussion was held.

The committee agreed with the language change as presented.

R 339.17403 Participation in project; responsibilities; survey identification.

Subrule (3): MacIntosh stated that he had received a comment from Barish, asking that this subrule be removed as there was no definition for “boundary survey” anywhere in related statutes.

Discussion held on whether there was a better way to word the subrule, without the term “boundary survey.”

MacIntosh asked the committee if there would be any harm in removing the subrule or whether there was a benefit in keeping the subrule, perhaps wording it differently.

The committee agreed to remove the subrule as there was no definition in statute to reference for enforcement.

R 339.17505 Continuing education required for renewal; certification of compliance; document retention; continuing education waiver.

MacIntosh stated that only minor edits were made that did not equate to substantive changes.

The committee agreed with the language as presented.

R 339.17506 Acceptable continuing education; limitations.

MacIntosh stated that only minor edits were made that did not equate to substantive changes.

Subrule (2): Platz stated that when completing continuing education in the field of surveying, many of the course content areas would be similar.

MacIntosh explained that this language is included in all rule sets where there is a continuing education requirement, to ensure that there is diversity in the continuing education being completed and that the same activity is not being repeated for credit.

Subdivision (1)(i): Hollandsworth suggested adding a provision for credit to be earned when presenting to lower-level education, such as high school.

MacIntosh stated that the rule was written broadly, but also with the purposeful intent of being surveyor specific and geared toward the actual advancement of the licensee's knowledge.

Myers stated that the rule is specific to college level.

Discussion held about allowing credit for volunteer hours, such as presenting to scouts when earning merit badges.

Baker stated that the above scenario could be covered under subdivision (1)(d).

Platz stated that he will research other states and to see how this could be addressed in the rules, if possible.

ADJOURNMENT

MacIntosh stated that the draft would be ready for the board to discuss at the January 10, 2024, meeting.

MacIntosh adjourned the meeting at 3:59 p.m.

Prepared by:
Stephanie Wysack, Board Support Technician
Bureau of Professional Licensing

November 14, 2023

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

PROFESSIONAL SURVEYORS – GENERAL RULES

Filed with the secretary of state on

These rules become effective immediately after 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 209 of the occupational code, 1980 PA 299, MCL 339.205 and 339.209; 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 339.17303, R 339.17403, 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) "ANSAC/ABET" means the Applied and Natural Science Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc.
 - (b) "Code" means the occupational code, 1980 PA 299, MCL 339.101 to 339.2677.
 - (c) "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 the licensee's area of professional practice.
 - (d) "Department" means the department of licensing and regulatory affairs.
 - (e) "EAC/ABET" means the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc.
 - (f) "ETAC/ABET" means the Engineering Technology Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc.
 - (g) "NCEES" means the National Council of Examiners for Engineering and Surveying.
- (2) A term defined in the code has the same meaning when used in these rules.

PART 2. EDUCATION, EXPERIENCE, AND EXAMINATIONS

R 339.17201 Educational requirements.

Rule 201. An applicant for licensure shall provide proof, as directed by the department, verifying 1 of the following to satisfy the educational requirements under the code:

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

- (i) The EAC/ABET.
- (ii) The ETAC/ABET.
- (iii) The ANSAC/ABET.

(b) A NCEES credentials evaluation that verifies the applicant received a baccalaureate degree or higher and satisfies the NCEES surveying core program requirements found in the NCEES Surveying Education Standard.

(c) A credentials evaluation that verifies the applicant received a baccalaureate degree or higher in surveying from an educational program that is substantially equivalent to a baccalaureate degree or higher 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) Under section 2004(3)(a) of the code, MCL 339.2004, an applicant shall document not less than 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 licensed in this state or licensed or registered in another state or a province of Canada 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, including 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 licensure shall provide proof, as directed by the department, verifying 1 of the following to receive credit for professional experience in surveying work:

(a) Except as otherwise provided under subrules (1) and (4) of this rule, the applicant has obtained not less than 4 years of experience practicing as a licensed or registered professional surveyor in another state or a province of Canada.

(b) All of the following:

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

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

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

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

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

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

R 339.17203 Examination requirements.

Rule 203. An applicant for a professional surveyor license shall satisfy all the following examination requirements under the 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) The seal of a professional surveyor must include the licensee's name and full license number, as shown on 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 equivalent to Figure 301 below.

(2) A licensee's seal must be used by the licensee whose name appears on the seal for as long as the license is in effect. A licensee is responsible for the security of 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 license may be relicensed under section 411(3) of the code, MCL 339.411, by satisfying all the following requirements.

- (a) Providing a completed application on a form provided by the department.
- (b) Paying the required fee to the department.

(c) Providing proof, as directed by the department, verifying that the applicant completed ~~15~~ **30 credit** hours of continuing education, ~~1 hour~~ **2 credit hours** of which must be in professional ethics related to surveying, in activities approved under R 339.17506, during the ~~1-year~~ **2-year** period immediately before the date of filing the relicensure application. If the department determines that the amount of the continuing education **credit** hours provided with the application is deficient, the applicant has 1 year after the date of filing the application to provide proof of completing the deficient **credit** hours.

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

- (a) Providing a completed application on a form provided by the department.
- (b) Paying the required fee to the department.
- (c) Establishing that the applicant has met all the requirements for initial licensure under the code and these rules.

(d) Providing proof, as directed by the department, verifying that the applicant completed 30 **credit** hours of continuing education, 2 **credit hours** of which must be in professional ethics related to surveying, in activities approved under R 339.17506, during the 2-year period immediately before the date of filing the relicensure application. If the department determines that the amount of the continuing education **credit** hours provided with the application are deficient, the applicant has 1 year after the date of filing the application to provide proof of completing the deficient **credit** 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 allow the misrepresentation of, the academic or professional qualifications of the licensee or the licensee's associates.

(2) A licensee shall not pay, give, or offer to 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 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 that 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 individual for services performed on the same project or assignment, unless the circumstances are fully disclosed to all individuals that pay, or are required to approve payment, for the work performed by the licensee.

(3) A licensee shall not ask for or accept gratuities, directly or indirectly, from contractors, their agents, or other individuals dealing with the client or employer of the licensee in connection with work for which the licensee is responsible, or ask for 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 take part 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 must properly satisfy the need for which it is intended.

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

PART 5. LICENSE RENEWAL AND CONTINUING EDUCATION

R 339.17505 Continuing education; license ~~education~~ **education required for renewal; requirements: certification of compliance; document retention; continuing education waiver.**

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

(a) Obtain 2 of the 30 **credit** 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 the rules or statutes.

(b) Obtain all 30 **credit** 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 maintain documentation of satisfying the requirements of this rule and R 339.17506 for a period of 4 years after the date of filing the application for license renewal.

(4) A licensee is subject to an audit under this part and may have to provide documentation as described by R 339.17506 on request of the department.

(5) ~~The department shall receive~~ **An applicant must submit** a request for a waiver of continuing education requirements **to the department** for the board's consideration not less than 30 days before the last regularly scheduled board meeting 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 Credit Hours Granted for the Activity and Allowed for Licensure Cycle
(a)	<p>Completing a continuing education program or activity related to professional surveying that is approved or offered for continuing education credit hours by another state board of professional surveyors.</p> <p>If audited, a licensee shall provide documentation or a certificate of completion showing the licensee's name, total continuing education credits credit hours earned, sponsor name and contact information, program title,</p>	<p>The number of continuing education credits credit hours approved by the sponsor or the approving entity. are granted for this activity.</p>

	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 in a surveying program that is accredited by EAC/ABET, ETAC/ABET, or ANSAC/ABET.</p> <p>If audited, a licensee shall provide a copy of the transcript showing credit hours of the academic courses related to surveying.</p>	<p>Fifteen continuing education credits credit hours are granted for each semester credit, or 10 continuing education credits credit hours must be granted for each quarter credit.</p>
(c)	<p>Attending a seminar, in-house course, workshop, or professional or technical presentation related to surveying.</p> <p>If audited, the licensee shall provide 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>	<p>One continuing education credit hour is granted for every 50 minutes of continuous instruction.</p>
(d)	<p>Presenting a seminar, in-house course, workshop, or professional or technical presentation related to surveying. A licensee shall not receive credit hours for a presentation offered as part of their regular job description or duties.</p> <p>If audited, the licensee shall provide 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>	<p>Two continuing education credits credit hours are granted for every 50 minutes of continuous instruction.</p>
(e)	<p>Teaching, instructing, or presenting on 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 provide 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>	<p>Two continuing education credits credit hours are granted for every 50 minutes of continuous instruction.</p>

	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 provide a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</p>	Six continuing education credits credit hours are 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, credit hours, a licensee shall take part in not less than 50% of the regularly scheduled meetings of the committee, board, council, or association.</p> <p>If audited, a licensee shall provide documentation satisfactory to the department verifying the licensee's participation in not less than 50% of the regularly scheduled meetings of the committee, board, council, or association.</p>	Three continuing education credits credit hours are 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, credit hours, 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 provide a copy of the form completed, signed, and dated by the department employee who was present at the meeting.</p>	One continuing education credit hour is 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, credit hours, this activity must not be part of the licensee's regular job description.</p> <p>If audited, the licensee shall provide 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 credit hours are granted for this activity.

(j)	Obtaining patents related to surveying.	Ten continuing education credit hours are granted for each approved patent.
-----	---	--

(2) Continuing education ~~credits~~ **credit hours** ~~must be~~ **are 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~~ **credit hours** during the renewal period.

(3) Not more than 12 continuing education ~~credits~~ **credit hours** may 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.