

Administrative Rules of the Board of Land Surveyors

effective: January 7, 2013

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Part 1. General Information

1.1 The Board's Purpose

- (a) The Board of Land Surveyors ("the Board") has been created by Vermont law, Title 26 Chapter 45 of the Vermont Statutes Annotated which confers certain powers and duties on the Board. The Board has adopted these rules to aid applicants, licensees, and the general public in understanding the requirements for this profession.
- (b) The Board is created to safeguard property and the public welfare by setting standards for issuing licenses, licensing qualified applicants, and regulating the practice of license holders.
- (c) The Board maintains a website at <http://vtprofessionals.org/>. Practitioners should periodically consult the website for matters of interest to the profession.

1.2 Definitions

As used in these rules:

- (a) "ABET" means "ABET, Inc.," the Accreditation Board for Engineering and Technology;
- (b) "Board" means the Board of Land Surveyors;
- (c) "Internship" means the period of experience under a supervising land surveyor, as detailed in Rule 2.8;
- (d) "NCEES" means National Council of Examiners for Engineering and Surveying;
- (e) "Office" means the Office of Professional Regulation within the Office of the Secretary of State;
- (f) "Supervising land surveyor" means a land surveyor who has been licensed three years or more and who conducts a regular personal review of an applicant's land surveying work during a period of internship.
- (g) "V.S.A." means Vermont Statutes Annotated; "26 V.S.A. § 2501" means section 2501 of Title 26 of the Vermont Statutes Annotated.

1.3 Business Address

- (a) The Board's mailing address is
Board of Land Surveyors
Vermont Secretary of State
Office of Professional Regulation
National Life Bldg., North, FL2
Montpelier, VT 05620-3402

1.4 Board Members and Officers

- (a) The Board is made up of five licensed land surveyors and two members of the public who have no financial interest in land surveying except as consumers. One of the land surveyor members must have been licensed by examination within five years preceding appointment. The members of the Board are appointed by the Governor and serve staggered five-year terms as set forth in 3 V.S.A. § 129b. Board officers are elected annually.
- (b) Officers' duties are as follows:

- (1) Chairperson. Calls Board meetings, presides at Board meetings, signs vouchers and official Board papers, and generally supervises the Board's activities.
- (2) Vice-Chairperson. Performs the duties of the chairperson when he or she is absent.
- (3) Secretary. The Secretary performs such tasks as the Board may determine.

(c) Interested persons may contact Board members and officers through the Office.

1.5 Meetings Regular meetings of the Board are scheduled well in advance. Regular meeting dates may be obtained from the Board's web site <http://vtprofessionals.org>. Special or emergency meetings may be called by the chairperson or any two members of the Board. A majority of Board members constitutes a quorum for all meetings. Formal action may be taken at a meeting if a majority of those present and voting are in favor of the action.

1.6 Laws that Govern the Board

(a) The Board is created by Chapter 45 of Title 26, Vermont Statutes Annotated, which establishes the Board's responsibilities for setting standards, issuing licenses, and regulating the profession. The statutes are online at <http://www.leg.state.vt.us/statutes/chapters.cfm?Title=26>. Board powers are also conferred by subchapter III of Chapter 5 of Title 3 (3 V.S.A. §§ 121-132) "Professional Regulation," the statutes creating and governing the Office of Professional Regulation. In addition to the "Professional Regulation" statutes, the Board is subject to other state laws including the "Administrative Procedure Act" (3 V.S.A. §§ 801-849), the "Open Meeting Law" (1 V.S.A. §§ 310-314), the "Access to Public Records Law" and (1 V.S.A. §§ 315-320). In contested cases, the Board follows the Vermont Rules of Evidence, as amended by the Administrative Procedure Act. These laws set forth the rights of applicants, license holders and members of the public. The Office provides legal counsel to help the Board comply with all laws affecting Board business.

(b) Applicants and licensees should be aware that Chapter 5 of Title 3 of the Vermont Statutes contains several statutes which govern regulation of licensed professionals. See among them, 3 V.S.A. § 129a which defines unprofessional conduct.

(c) The complete text of these laws is available at most libraries and town clerk's offices. "Vermont Statutes Online" are also available on the Internet at <http://www.leg.state.vt.us>. The Board's statutes and rules may be accessed through the Board's website at <http://vtprofessionals.org/>.

1.7 Rules of the Board

(a) The Board is authorized to make these rules under 26 V.S.A. § 2544(a) and 26 V.S.A. § 2592. The rules govern the Board's proceedings. When the Board establishes rules, it follows the Administrative Procedure Act. These rules are approved by the Vermont Legislative Committee on Administrative Rules and are presumed valid. 3 V.S.A. § 845(a).

(b) Copies of these rules may be obtained on line through the Office of Professional Regulation web site. Questions about the Board and its procedures may be addressed to the Office. Email contact information is on the Board's web page at <http://vtprofessionals.org>.

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Part 2. Information for Applicants

- 2.1 Need for a License** 26 V.S.A. § 2503 provides: "A person who is not licensed by the board shall not:
- (1) use the title 'licensed land surveyor' or any substantially equivalent title;
 - (2) represent himself or herself as licensed by this state or able to perform land surveying; or

(3) practice land surveying or act in responsible charge of another person who practices land surveying.”

2.2 How to Become a Licensed Land Surveyor An application for a license or more information about applying for licensure may be obtained on line at <http://vtprofessionals.org> or by writing or calling the Office. The application fee is stated on the application form. Checks must be made payable to Vermont Secretary of State. Mail the completed application form and required additional information to the Office.

2.3 Four Routes to Licensure Under Vermont’s land surveying statute, there are four ways of qualifying for a license. They are:

(a) Bachelor’s Degree in Land Surveying, Internship, Portfolio, and Examination;

(b) Associate’s Degree in Land Surveying, Internship, Portfolio, and Examination;

(c) Six Years Internship, Portfolio, and Examination; and

(d) Endorsement.

2.4 Bachelor’s Degree in Land Surveying, Internship, Portfolio, and Examination

(a) An applicant under this rule must have:

- (1) graduated with a bachelor’s degree from an ABET-approved surveying program;
- (2) completed a 24 month internship as explained in Rule 2.8;
- (3) submitted a complete portfolio as set forth in Part 4 of these rules; and
- (4) passed the land surveying examinations designated by the Board.

(b) An application under this rule must be accompanied by:

- (1) Certified transcript;
- (2) Required documentation from supervising land surveyors as set forth in these rules and;
- (3) Application fee.

2.5 Associate’s Degree in Land Surveying, Internship, Portfolio, and Examination

(a) An applicant under this rule must have:

- (1) graduated with an associate’s degree from an ABET-approved surveying program;
- (2) completed a 36 month internship as explained in Section 2.8;
- (3) submitted a complete portfolio as set forth in Part 4 of these rules; and
- (4) passed the land surveying examinations designated by the Board.

(b) An application under this rule must be accompanied by:

- (1) Certified transcript
- (2) Required documentation from supervising land surveyors; and,
- (3) Application fee.

2.6 Internship, Portfolio, and Examination

(a) An applicant under this rule must have:

- (1) completed a 72 month internship as explained in Rule 2.8;
- (2) submitted a complete portfolio as set forth in Part 4 of these rules; and
- (3) passed the land surveying examinations designated by the Board.

(b) An application under this section must be accompanied by:

- (1) Required documentation from supervising land surveyors; and,
- (2) Application fee.

2.7 Licensure by Endorsement

(a) A person holding a land surveying license in good standing issued by another United States or Canadian jurisdiction may apply under this rule. The license may be called a certificate of registration or by another name. The absence of portfolio requirement in another jurisdiction shall not prevent the Board from finding substantial equivalence. The Board must have determined that, the jurisdiction's current licensing requirements are substantially equivalent to Vermont's.

(b) An application under this section must include:

- (1) Verification of current licensing status;
- (2) Application fee.

(c) An applicant under this rule must pass the Vermont portion of the land surveying examination.

2.8 Internship, General Information An internship in land surveying will combine study with practical work experience as a prerequisite to licensure. An intern should work with his or her supervisor to establish objectives that will lead to licensure. The applicant shall obtain the current version of the statutes and the Administrative Rules of the Board of Land Surveyors. See, Chapter 45 of Title 26, and Chapter 5 of Title 3 and Rule 1.6 above.

2.9 Experience The Board has determined the following areas to be most relevant to the current practice of the surveying profession. Although not all-inclusive, they will be used as a measure of experience, objectives, and goals to be accomplished through work experience.

(a) Research: A surveyor must have knowledge of legal principles and requirements applicable to surveying and land descriptions. A surveyor researches public and private land records (e.g., municipal clerks' land records and probate court records); federal, state, county, and municipal sources, and records of other surveyors to compile boundary evidence and to establish procedures and background information in accordance with prevailing and applicable professional standards and contract requirements. A surveyor must have knowledge of history of local land survey systems and practices and of sources of surveying records and information.

(b) Reconnaissance: A surveyor must have knowledge of and ability to perform field reconnaissance techniques (e.g., gathering parol evidence, questioning knowledgeable persons, using physical characteristics of areas, and other means of locating markers or monuments). A surveyor performs field reconnaissance for rural and urban surveys to locate boundary evidence and to further establish procedures and background information in accordance with prevailing and applicable professional standards and contract requirements.

(c) Measurement: A surveyor must have knowledge of and ability to perform basic survey measurement techniques (e.g., traverse, triangulation, trilateration, leveling, and error reduction techniques). A surveyor measures units of space, water, land, and structures (e.g., boundaries, areas, shapes, directions, slopes, distances, angles, heights, locations, and alignments) using the equipment of the profession in accordance with prevailing and applicable professional and regulatory standards.

(d) Calculation: A surveyor must have knowledge of and the ability to perform basic survey computational techniques. A surveyor must have knowledge of mathematics including algebra, plane and solid trigonometry, analytical geometry, and statistics.

(e) Evaluation and Verification: A surveyor must have knowledge necessary to recognize and assemble pertinent information and the ability to draw conclusions, set priorities, and otherwise weigh relevant evidence. In order to locate boundaries, a surveyor must have the knowledge and ability to analyze measurement data using the equipment of the profession in accordance with prevailing and applicable professional standards.

(f) Perpetuation

1) A surveyor establishes monuments, verifies or locates monuments, corners, lines, witness points in accordance with available data in order to comply with contracts, other legal requirements, and to protect the public welfare and property. A surveyor monuments, re-monuments and marks property corners and lines to perpetuate their locations. A surveyor establishes permanent records in order to provide evidence for future surveys, satisfy legal requirements, and provide personal and public protection in accordance with prevailing and applicable professional standards.

2) A surveyor must have knowledge of and the ability to apply written communication techniques (e.g., writing legal descriptions, surveyors' reports, and field notes). A surveyor compiles final notes in order to comply with contract and other legal requirements including documents (e.g., plats, maps, descriptions, surveyor reports, job narratives, affidavits, photographs, and certifications) in accordance with prevailing and applicable professional standards and regulations. A surveyor communicates with clients to establish the scope of survey services (e.g., boundary, topographic, title insurance, condominium, settlement, plat of subdivision, cemetery survey and plat, retracement, and location) in accordance with client requirements and prevailing and applicable professional standards using available data (e.g., maps, plats, photographs, land descriptions, abstracts, records, affidavits, and other legal documents).

2.10 Taking the Examinations

(a) The applicant may submit an application and, if approved by the Board, take the Fundamentals of Surveying examination, the Principles and Practice of Surveying examination, and the Vermont State Specific surveying examination.

(b) The Board grades the Vermont State Specific Surveying Examination and sends results to the applicants.

2.11 Failure of Examination A candidate may apply to retake an examination as permitted by the Board and NCEES.

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Part 3 Application Process**3.1 Notification of Intent to Deny an Application**

(a) The Board will notify applicants in writing of all decisions to either grant or deny a license or license renewal. If a license or renewal is denied, the Board will give the applicant specific reasons and will also inform the applicant of the right to appeal the Board's decision. This is called a "preliminary denial."

(b) The Board, or the Office on behalf of the Board, most often issues a preliminary denial of licensure or renewal when it appears from the application and accompanying documents that the applicant does not meet all of the requirements for licensure. When this occurs, the applicant is notified of the right to file an appeal which is heard as a formal hearing by the Board. At the hearing the burden of proof is on the applicant to show that the preliminary denial was in error. After that hearing the Board issues a final decision in writing.

3.2 Right to Appeal Licensing Decisions If the applicant is not satisfied with the Board's final decision concerning the denial of a license or renewal, the applicant may appeal the decision to the Director. The appeal must be filed within 30 days of the date of the denial. An appellate officer will review the record made before

the Board for legal errors. Information about the appeal process may be obtained from the Office or online at <http://vtprofessionals.org/>.

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Part 4 Portfolio

4.1 Portfolio Except for those applying for licensure by endorsement, each applicant, in addition to the requirements above, is required to submit a portfolio.

4.2 Definition The portfolio is a selection of the applicant's work and work to which the applicant contributed under licensed supervision. Only work of a land surveying nature is creditable. The purpose of the portfolio is to document the applicant's education and experience by showing the acquisition of knowledge, skills, and abilities through experience in critical areas of land surveying necessary to meet minimum standards for licensure.

4.3 Time The portfolio may be submitted at any time during the last year of supervision. An applicant may begin filling out the portfolio at any time. The Board suggests that as the applicant's internship progresses, he or she make contemporaneous entries. The portfolio can then be used as an educational "road map" showing the applicant which areas of educational experience need to be addressed.

4.4 Contents It is hoped that the portfolio requirement can be satisfied in three or fewer surveys so long as the surveys submitted show acquisition of education in all of the areas on the portfolio checklist. But an applicant may submit up to six surveys, if necessary.

4.5 Purpose

(a) The portfolio is intended to show exposure to and education of the type typically seen in Vermont land survey work. The portfolio must be submitted in a non-electronic format. The applicant may be asked to provide an explanation of the portfolio if necessary.

(b) The intent of the portfolio is twofold:

1) It provides applicants and their supervisors with clearly described educational exposure and achievement standards for them to display. And,

2) it is hoped that supervising Land Surveyors whose apprentices' work is approved by them and shown to the Board in the portfolios will use the checklist as a guide to fulfilling their professional obligations.

4.6 Directions

(a) Each portfolio is to be accompanied by the Board's Portfolio Explanation Form (available on line or from the office). The form contains a check list of educational topics. For each topic, the form contains a space for the applicant to fill in showing where in the portfolio evidence and documentation of that topic can be found. The form also provides space for the applicant to explain how his or her experience contributed to the documentation included in the portfolio. The applicant will complete the checklist, and for each item on it, specify where documentation of education for that requirement is found in the portfolio.

(b) At the end of the portfolio evaluation form, the supervising land surveyors must attest that the work the applicant claims as his or hers was in fact performed under the supervision of that land surveyor.

For example:

"Evaluation of Evidence:

a. Explanation of how the evidence found was evaluated.”

Area of Education	Time / Explanation	Reference to Portfolio page number and section	For Board Use Only
Research Rule 2.9(a)	This land record evidence was analyzed by me from the Vershire Town Clerk’s records and approved by my supervising LS in June of 2007.	Found and footnoted in Survey #1 of Portfolio, on pages 7 and 21	
Survey Plats- Rule 5.5(c) (1) Descriptions of natural and artificial monuments including whether found or set.	May 2008: Located and described monuments on a survey for a client in Johnson, Vermont.	Found and footnoted in Survey #2 of Portfolio on pages 11 and 13	

(c) A sample portfolio and sample completed Portfolio Explanation Form is available at the Board’s web site at <http://vtprofessionals.org>.

4.7 Topics Covered The specific educational topics to be documented are taken from standards set forth in these rules as well as from Vermont statutes and announced minimum standards governing land surveying.

4.8 Board review

(a) The Board reviews the portfolio to verify that the applicant has obtained sufficient education and training necessary to meet minimum professional competence standards required for licensed land surveying in Vermont.

(b) The Board reviews portfolios to assess the applicant’s exposure to, and understanding of principles and practices, and not a specific methodology.

4.9 Written Decision

(a) After reviewing the portfolio, the Board will provide the applicant a written decision indicating approval of the topics appropriately shown in the portfolio, and, if necessary, designating the area(s) where the applicant must still show documentation of experience meeting minimum standards of practice.

(b) If the Board determines that some of the areas on the evaluation form have not been adequately documented, the applicant will be notified. The applicant must then provide additional documentation sufficient to address the deficiencies found. Unless the portfolio is grossly deficient, the applicant will not be required to submit a new portfolio.

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Part 5. Standards for the Practice of Land Surveying

5.1 Authority The Vermont Board of Land Surveyors is authorized by the legislature to adopt rules establishing minimum standards of practice. 26 VSA § 2544(9).

5.2 Purpose and Intent

(a) The purpose of these standards is to establish minimum procedural and technical criteria to govern the performance of land surveyors when more stringent standards are not required. Further, the purpose is to protect the inhabitants and property owners in this state from substandard or incompetent surveying, and generally to safeguard property and the public welfare.

(b) These standards are also a guide for land surveyors in their daily practice and for intern surveyors working to enter the profession.

(c) These standards are intended to allow land surveyors flexibility in their surveying methods and the collection and interpretation of evidence necessary for boundary determination.

(d) If possible, the land surveyor shall locate the corners and boundaries of the property under survey. These standards are developed to satisfy that minimum result.

5.3 Definitions For the purpose of this part:

(a) “Boundary” means: A line of demarcation between adjoining properties and indicating the furthest extent of property.

(b) “Corner” means: A point on a boundary, at which two or more boundaries intersect.

(c) “Document” means: Any instrument which may be used as evidence. A document makes record of letters, figures, marks, or any combination thereof. The term “document” shall be applied broadly to include writings and printed works, maps and plans, photographs and pictures, seals and plates. Documents include record evidence and may be found in a number of locations in addition to the municipal clerks’ offices.

(d) “Evidence” means: Information, observations, or objects that may aid the surveyor in locating the position of a boundary.

(e) “Inconsistency” means: An uncertainty; doubtfulness or a want of clearness and definiteness. Inconsistency means also an ambiguity or that which is difficult to comprehend or distinguish. An inconsistency occurs when title to the same property is expressly conveyed to different parties, where a gap exists between descriptions, or when one party has title and another party has possession, or the documents and record evidence contain ambiguities or conflicting terms.

(f) “Key deed” means the deed which originally created the boundary.

(g) “Land Surveying” means: The definition provided by 26 V.S.A. § 2502.

(h) “Land Surveyor” means a person with a legal right to be in responsible charge of a property survey in this State.

(i) “Monument” means: A physical structure, mark or object that serves to perpetuate the location a corner or point on a boundary. Permanence, durability and stability are implied.

(j) “Positional Tolerance” means: The maximum theoretical uncertainty (at the 95% confidence level) of a measurement between any two corners under survey. The positional tolerance allowed is expressed as a constant (base error) plus the indicated ratio (dependent error) applied to said corners.

(k) "Property:" Property includes land, water, land under water, space, improvements and rights, and easements and servitudes attached thereto.

(l) "Survey Abstract" means: A chronological, condensed history of the record documents pertaining to property boundaries including, but not limited to, conveyances and deeds which may control the location of corners and boundaries of the land under survey.

(1) A survey abstract includes legal descriptions that originally created the subject and abutting parcel(s) which control the location of the corners and boundaries of the property under survey and the abutting properties.

(2) A survey abstract includes pertinent documents related to easements or servitudes that may encumber or benefit the property under survey.

(3) A survey abstract shall be sufficient, if possible, to enable the land surveyor to locate the corners and boundaries of the property under survey and to meet the requirements of these standards.

5.4 Procedural Standards Whenever a land surveyor conducts a survey of property, the surveyor shall, at a minimum, perform the following:

(a) Research and Field Investigation:

(1) Prepare a survey abstract.

(2) Examine, analyze and test consistency of the record evidence. Investigate and document inconsistencies and form preliminary conclusions as to the completeness of the record evidence.

(3) If necessary, obtain and document from knowledgeable and credible persons parol evidence which may control the location of the corners and the boundaries of the property under survey.

(4) Search for physical evidence which may control the location of the corners and the boundaries of the property under survey. Existing monumentation and physical evidence should not be removed or disturbed.

(5) Record and document in detail all physical evidence found or physical evidence of record not found. Descriptions shall include materials, size and shape, identifying marks or numbers, position and stability; cylindrical sizes shall be reported as inside or outside diameter. Position reported shall include the distance above or below ground.

(6) Make, record, and document measurements to ensure the location and perpetuation of pertinent physical evidence.

(b) Computations, Conclusions, and Perpetuation:

(1) Compute, check, and compare field measurements and pertinent information with record evidence.

(2) Investigate, document and, if possible, reconcile inconsistencies.

(3) When necessary, make additional computations and analyses to develop and formalize opinions on the location of the corners and boundaries of the property under survey. Professional opinions shall be based on the best available evidence and in accordance with applicable Vermont boundary law and the established hierarchy of evidence.

(4) A land surveyor who conducts a survey of property shall set monuments and marks to adequately perpetuate the location of unmarked corners and boundaries of the property under survey.

(c) Results: When the land surveyor cannot prepare a professional opinion on the location of a corner or boundary, the surveyor shall:

(1) Search for and recover additional or missing evidence that will enable the surveyor to form a professional opinion on the boundaries; or

(2) Issue a report describing, at a minimum, controlling evidence and conclusions and any inconsistencies, conflicts, or unusual circumstances.

5.5 Technical Standards Only two measurement standards are acceptable. Either the accuracy standard or precision standard may be used. The surveyor shall determine which standard should be used based on the

current and future needs of the project. The surveyor shall select and employ proper field procedures, instrumentation, and personnel to achieve the applicable measurement standard.

(a) Survey Classes Guidelines for selection of survey classes by land use.

- (1) Urban - Surveys of more densely settled or developed land lying within or adjoining a city, village or town center. This includes the surveys of commercial and industrial properties, condominiums, town houses, apartments, and other multi-unit developments, regardless of geographic location.
- (2) Suburban - Surveys of land lying outside urban areas and used almost exclusively for single family residences or residential subdivisions.
- (3) Rural - Surveys of lands such as farms and other undeveloped land outside of suburban areas.

(b) Measurement Standards

- (1) Accuracy Standard: The maximum positional tolerance of any point on the subject boundary is;
 - (A) Urban 0.05 feet plus 1:10,000
 - (B) Suburban 0.10 feet plus 1:5,000
 - (C) Rural 0.25 feet plus 1:5,000
- (2) Precision Standards: Minimum traverse precision ratio after angles are balanced and closure is calculated;
 - (A) Urban 1:10,000
 - (B) Suburban 1:10,000
 - (C) Rural 1: 5,000

(c) Survey Plats A land surveyor who conducts a survey shall, when contracted for by the client, prepare a plat showing the results of the survey and shall furnish a copy to the client. The plat shall be prepared in accordance with the latest adopted version of 27 V.S.A. §1403, Filing of Survey Plats, and 26 V.S.A. § 2596(a), Use of Seal, Certification, and shall also include the following information:

- (1) A detailed description of natural and artificial monuments, noted as found or set. Descriptions shall include materials, size and shape, identifying marks or numbers, position and stability. Cylindrical sizes shall be reported as inside or outside diameter. Position reported shall include the distance above or below ground.
- (2) A delineation of inconsistencies between the survey and the record description and the source of information used as the basis of the survey.
- (3) The name and deed references of the title holder and the adjoiners at the time of survey.
- (4) Visible encroachments onto or from adjoining property or streets and the extent of such encroachments.
- (5) Public and private rights-of-way, easements and rights which are reasonably known or observed that encumber or benefit the land surveyed.
- (6) Sufficient boundary survey data to provide a closed geometric figure of a perimeter survey. A survey of a boundary line adjustment shall have sufficient information to tie into the client's adjoining boundary lines.
- (7) Inscriptions noting the specific evidence used to locate the corners and land boundaries. List sources of information used as the basis for boundary location. Include key deed references.

(8) The certification statement shall clearly set forth what information was used as the basis of the survey and shall specifically indicate that the survey work identified thereon is consistent with this information. 26 V.S.A. § 2596.

(9) All lettering and data must be clearly legible.

(d) Monuments

(1) Monuments shall be durable and stable.

(2) Monumentation set shall be identified with the license number of the surveyor in responsible charge.

(3) Monuments set replacing inadequate monuments or missing monuments shall conform to this standard, be documented, and the document be recorded in the public land records.

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Part 6 Information for Licensed Land Surveyors

6.1 License Certificate and Seal

(a) The Board will issue a license when it has determined that the applicant has met all prerequisites for licensure. The license should be displayed in the land surveyor's principal place of business or employment.

(b) Each land surveyor must have a seal of a type recommended and approved by the Board. The seal shall contain the words "State of Vermont, Licensed Land Surveyor" and the licensee's name and license number. All lettering on the seal must be a minimum of 1/10th inch high. Seals should not be more than 1.5 inches in diameter. An example of an acceptable seal may be found on the Board's web site.

(c) A land surveyor may continue to use a seal which was approved under prior rules of the Board.

6.2 License Renewal

(a) Licenses are issued according to a two-year licensing and renewal period, and must be renewed by the expiration date printed on the license. The Office mails renewal notices in advance of the expiration date. A licensee is responsible for renewal whether a notice is received or not.

(b) A license expires automatically if the renewal application and fee are not returned to the Office by the expiration date.

6.3 Expired Licenses

(a) A license which is not renewed expires.

(b) A person who does not hold a valid active license shall not engage in the practice of land surveying or hold himself or herself out as being a licensed land surveyor. Practicing land surveying without a valid license is punishable as a crime. 26 V.S.A. §§ 2503, 2504. It is also unprofessional conduct. 3 V.S.A. §§ 129a(a)(3). Practicing without a valid license is grounds for disciplinary action which may include permanent revocation of any right to renew a license.

(c) A lapsed license may be reinstated to active status by following the requirements of 6.4.

6.4 Renewal of Expired licenses

- a) If a license has been expired for a period of less than three years, the person seeking renewal must submit:
- (1) A renewal application;
 - (2) The required fees; and
 - (3) Verification of successful completion of no fewer than 20 hours of Board approved continuing education.
- b) If a license has been expired for three or more years the person seeking renewal must submit the following:
- (1) A renewal application.
 - (2) The required fees.
 - (3) Verification of successful completion of the Fundamentals of Land Surveying exam and the Principles and Practice of Land Surveying exam administered by The National Council of Examiners for Engineering and Surveying.
 - (4) Verification of successful completion of the Vermont Land Surveying examination.
 - (6) The examinations required in this section must have been taken and successfully completed within one year of the renewal application.
- c) Exceptions: The Board, in its sole discretion, may, in individual cases involving extreme hardship, grant waivers or extension of the renewal and reinstatement requirements.

6.5 Change of Name or Address All licensees are responsible for notifying the Office within 30 days of a change in name or address. Lack of notification may result in a renewal notice not being received. Licensees are responsible for ensuring that a renewal application and fee are returned to the Office prior to license expiration.

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Part 7 Continuing Education

7.1 Definition

“Continuing Education” - is an educational activity that reinforces, maintains or adds to the skills, knowledge and ability required by a land surveyor to adequately practice land surveying and to maintain minimum competency.

7.2 Requirements Licensees must complete and document 20 hours of continuing education within the preceding biennium.

7.3 Exception For applicants granted an initial license, the mandatory continuing education requirement begins with the first day of the first biennial renewal period following the issuance of initial license. The Board recommends, but does not require continuing education for initial licensees during their first licensing period.

7.4 Credit

(a) Credit for formal activities will be granted only for actual time spent as a learner. Business meetings and lunches will not be counted toward continuing education credits.

(b) College Courses - One academic semester credit equals 15 continuing education hours.

(c) Approval for other types of educational activities will be considered by the Board when written requests are submitted to the Board in accordance with Rules 7.9 and 7.10. The Board shall have final authority to approve

continuing education activities and to determine how many hours credit each may receive.

7.4 Acceptable Educational Activities

- (a) All courses, presentations, instruction, and other educational activities described above must be relevant to the practice of land surveying and must meet the following criteria:
- 1) Have a clear purpose and objective for each educational activity which will improve or expand skills and knowledge obtained prior to initial licensure or to develop new and relevant skills;
 - 2) Contribute meaningfully to the licensee's ability to better serve and meet the needs of the general public;
 - 3) Be planned, well organized, and presented in a sequential manner;
 - 4) Engage presenters who are well qualified by education or experience or both and, if applicable, include the opportunity for active participation by the attendees; and
 - 5) Include a procedure for controlling and verifying attendance.
- (b) Credit shall be given only for satisfactory completion of an educational activity in its entirety.

7.5 Reports and Records

- (a) Except as above in Rule 7.3 at each renewal, each licensee must certify attendance or participation in 20 hours of continuing education.
- (b) Each licensee is responsible for acquiring and maintaining the necessary documents and records to support credits claimed. Records must be maintained for a period of four years after the biennial report on which the credits were claimed, and must be available to the Board for audit if requested.

7.6 Requests for Pre-Approval of Educational Activities

- (a) A sponsor, i.e. an individual, organization, association, institution or other entity which provides an educational activity as defined in these rules, or a licensee who desires to have an educational activity considered for pre-approval, shall submit a written request for pre-approval to the Board at least 90 days prior to the desired effective date of approval.
- (b) The written request for pre-approval shall be submitted on application forms furnished by or in a format prescribed by the Board.
- (c) Failure to meet the prescribed due date for submission may result in delayed consideration of the request for pre-approval.

7.7 Contents of Request The application shall include, but not be limited to;

- (a) The name and address of the sponsor and the licensee, if applicable;
- (b) The title or name of the educational activity and the date and location;
- (c) A list of presenters and their qualifications;
- (d) A description of the educational activity, program content, hourly schedule, and proposed length of presentation.
- (e) A synopsis of materials.

7.8 Changes in Educational Activities Once an educational activity has been submitted to the Board for approval, any changes, including those in format, instructors or content, shall be promptly reported to the Board in writing. Changes must be reviewed and approved by the Board.

7.9 Continuing Education Approval process Immediately after the Board has reviewed and acted upon a written request for pre-approval, the Board shall advise the sponsor or licensee, in writing, of approval or denial of the application. If approval is granted, the Board shall assign a maximum number of continuing education hours that the educational activity may receive.

7.10 Representations by Approved Providers

(a) A sponsor who has obtained approval for an educational activity may represent to the licensees that the Board has approved a certain number of continuing education hours for successful completion of the activity. Only the following reference to Board approval may be stated: "This educational activity has been approved by the Vermont Board of Land Surveyors for x hours of continuing education."

(b) A sponsor shall in no way represent to licensees that the Board has endorsed, recommended, or encouraged enrollment in the educational activity.

(c) A sponsor of a pre-approved educational activity shall furnish each licensee who successfully completes the entire program with a Certificate of Completion or some form of documentation as evidence of satisfactory completion.

(d) Ninety days after the Board has received a completed request for pre-approval, the program will be deemed approved unless the Board notifies the sponsor that (1) the application is incomplete, or (2) the program is disapproved.

7.11 Post Activity Approval

(a) A sponsor or licensee who did not request pre-approval of a continuing education activity may request, in writing, approval of an educational activity which has already transpired. The request and response from the Board shall conform to the procedures in Rules 7.7 and 7.9 above.

7.12 Audits

(a) Each biennium, the Board shall conduct a random audit of no fewer than ten percent (10%) of the licensees applying for renewal. The Board may also audit currently conditioned licensees, late renewing licensees, and licensees who in any of the preceding 3 renewal cycles were initially found to have not met continuing education renewal requirements.

(b) When a licensee appears on the audit list, the Board shall request documentation from the licensee showing a detailed account of the various credits claimed. The Board shall review the documentation and determine if continuing education requirements have been satisfied.

(c) Under 3 V.S.A. § 129(k) the Board may give licensees 90 days to develop and complete a corrective plan to correct any deficiencies in his or her continuing education requirements.

(d) A licensee who upon audit is found to be deficient in continuing education may be permitted 90 days to develop and complete a corrective plan.

7.13 Noncompliance If the Board determines that the licensee has not complied with the continuing education requirement, the Board may terminate the active status of the license, and the license shall be treated for all purposes as expired.

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Part 8 Discipline

8.1 Unprofessional Conduct 3 V.S.A. § 129a and 26 V.S.A. § 2598 define unprofessional conduct for applicants and licensees. Unprofessional conduct as defined in 3 V.S.A. § 129a(a)(3) includes, “Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession.”

8.2 Complaint Procedure The Board follows the Office procedure for processing, investigating, and prosecuting unprofessional conduct and unauthorized practice complaints. A copy of the complaint procedure may be obtained from the Office or online under “Disciplinary Procedures” at <http://vtprofessionals.org/>.

Effective date: January 7, 2013

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