

CONTINUING EDUCATION FOR LAND SURVEYORS

IMPROVING COMPETENCY THROUGH CONTINUING EDUCATION

- The goal of continuing education is to exceed the basic, statutorily required "minimum competency" standards currently required to be licensed as a Professional Land Surveyor in Colorado.
- The National Council of Examiners for Engineering and Surveying®, tasked with competency testing for Colorado, recommends continuing education and has a model program for Mandatory Continuing Education (MCE).
- Mandatory Continuing Education (MCE) is currently required in 44 of 50 U.S. states. We believe Colorado should join that list.
- County Surveyors report less statute and rule compliance issues with Professional Land Surveyors (PLS) that participate in continuing education than those who do not.
- Currently, DORA requires continuing education (through the practice monitoring program) after a PLS fails to maintain minimum competence. Why not be proactive with MCE?
- The potential misuse of a profession with changing technology concerns surveyors wanting to maintain the level of professionalism to protect the public.
- There are over 300 cases of boundary case law that have been determined by higher courts of Colorado, even as recently as 2020. Boundary principles do not change; however, the interpretation of those principles by the courts do cause changes in how a survey should be properly performed.
- Finally, records of continuing education could be self-kept by the surveyor, thus creating no additional burden on DORA.

BENEFITS

Protects the Public and their property rights from incompetent practices.

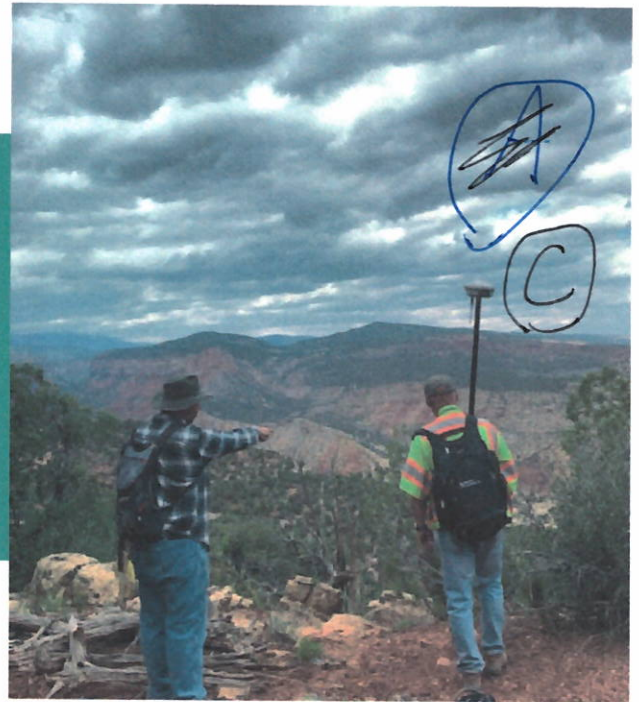
Ensures public confidence that EVERY PLS is educated on latest AES Board Rules, Statutes, and proper use of new survey technologies. Reduces potential costly and lengthy court cases.

Minimal cost to implement

Proposed to be self regulated; the cost to DORA is minimal.

Aligns Colorado with majority of states

The requirement will align Colorado with the forty-four other states, which require MCE.



*Continuous learning
is the minimum
requirement for
success in any field.*

-Brian Tracy



**PROFESSIONAL LAND
SURVEYORS OF
COLORADO**

www.plsc.net



PO Box 441069, Aurora, CO 80013

(303) 551-3266

www.plsc.net

plsc@plsc.net

Letters from Professional Land Surveyors of Colorado members in favor of

HB1329 Amendment

for mandatory continuing education for

Professional Land Surveyors license renewal.

March 5, 2024

Representatives on the House Committee on Business Affairs and Labor
200 E Colfax
Denver, CO 80203

Re: Continuing Education for Professional Land Surveyors

Dear Representatives:

I am writing to voice support for requiring continuing education for Professional Land Surveyors (PLS) as a condition of license renewal. I support this personally based on my experiences as the elected County Surveyor of Mesa County, the duties of which include reviewing Survey Plats. I have far too many contacts with Surveyors, who once they received a license, have disengaged from the professional obligation to maintain and improve their knowledge of Statutes, Board Rules and case law. As County surveyor I have had the obligation to consult on several boundary disputes in litigation. In almost all of these cases, a better educated Surveyor would have resolved the issues before they became litigious.

As chair of the Legislative Committee of the Professional Land Surveyors of Colorado (PLSC), I can also bear witness to the desire of PLSC to have this requirement. A survey of our members revealed that 75% of our responding members were in favor of required continuing education, and that 69% felt that such a requirement would improve the quality of work provided by our profession. It is not easy to become licensed as a PLS, but the "passing score on surveying examinations is set to measure the level of minimum competency" [C.R.S. 12-25-207 (1) (e)]. Surely, required continuing education would lift the level of competency of surveyors.

Continuing education is a standard in many professions. Especially those which protect the public health, safety and welfare. Ownership of land is a great wealth builder in our nation and Surveyors are the authority and arbiters of land boundaries. The public deserves that our profession is competent to the highest standard we can achieve.

We have heard concerns that required continuing education might pose a barrier to entry into the profession. The requirement is only applicable to those already over the barrier of licensing as a PLS.

We also have heard concerns regarding the cost of continuing education. Continuing Education Units (CEU) are available through the professional organizations, government entities, and private companies among other sources. Prices per CEU range from a limited number of free classes to on-line classes at \$6 to \$12 per CEU, to intensive seminars such as the Rocky Mountain Surveyors Summit which provides credits at about \$25 per CEU. Anticipating a requirement of 10 to 15 CEU per year as required by most other States, the cost is not prohibitive to a well-compensated Professional Land Surveyor.

Please, approve the amendment adding this requirement to Professional Land Surveyor license renewal as an action protecting the public.

Thank you.



K. Scott Thompson
Colorado P.L.S. 18480
Mesa County Surveyor

Merritt LS, L.L.C.

2516 Foresight Circle, #1
Grand Junction, CO 81505
(970) 255-7386

Email tomsylvester@merrittls.com

March 6, 2024

Representatives of the House Committee on Business Affairs and Labor
Colorado State Legislature
200 E. Colfax
Denver, CO 80203

Re: House Bill 24-1329 Architects, Engineers, and Land Surveyors Sunset Review Bill
And Amendment L.001 – Continuing Education Requirement for Professional Land Surveyors

Dear Honorable Representatives:

I am writing in support of House Bill 24-1329, the Architects, Engineers, and Land Surveyors Sunset Review bill being heard in your committee March 7, 2024. I am also supporting the proposed amendment L.001 requiring Continued Education for Professional Land Surveyors to renew their licenses.

Per the Architects, Professional Engineers, and Professional Land Surveyor Rules and Regulations promulgated by the Architects, Engineers, and Surveyors (AES) Board, under part 1.3.A.1 Primary Obligations of Licensees, "Licensees shall at all times recognize that their primary obligation is to protect the safety, health, property, and welfare of the public." I have become familiar with similar language in many other regulatory entities, but their wording is typically the protection of the safety, health, and welfare of the public. The addition of also protecting the property of the public is rather unique to our professions. This added responsibility of protecting the property of the public comes with much more necessity of ensuring licensees are qualified. In many cases, one's main financial asset is their property, and it is important that those of us charged with protecting those properties and their property lines are well qualified to take on the added burden. As such, I encourage passage of House Bill 24-1329 from your committee and ultimately the full legislature and signature of the Governor.

Amendment L.001 has been proposed to make continuing education of the Professional Land Surveyors a qualification for renewing their license. Please recognize the initial licensure as a PLS only attest to meeting the minimum requirements of education, experience, and testing. It takes many years as a practicing surveyor and a commitment to continuing education to truly gain the nuances of the technical and boundary law issues necessary to being a competent well qualified Professional Land Surveyor. I have had the opportunity to retrace several surveys of those who have not kept up with their education and find numerous errors in judgement when it comes to boundary law issues. The cost of some of these errors can be quite expensive. I am involved with a current case in which another surveyor did not follow Colorado law on partitioning some properties defined by the Public Land Surveying System. As a result, there client proceeded to cross long established lines of occupation leading to expensive litigation. Our following survey relied upon the principles of law and as such was expensive in its own right. The clients have also spent will over \$100,000 to date in litigation expense alone. A properly educated and trained surveyor would not have made the erroneous decisions which culminated in these expenses. Requiring continuing education is a start in ensuring the protection of the Public's Property as dictated by our primary obligations as licensed surveyors.

Please approve this bill with its amendment for required continuing education for those renewing their Professional Land Surveyors license.

Sincerely,



Thomas W. Sylvester

P. E. and P. L. S.

Lead Technical Instructor of the
Land Surveying and Geomatics programs at

Colorado Mesa University Tech, a Division of Colorado Mesa University

March 4, 2024

Representatives on the House Committee on Business Affairs and Labor
200 E Colfax
Denver, CO 80203

Re: Continuing Education for Professional Land Surveyors

Dear Representatives:

I am writing to voice my support for the implementation of required continuing education to maintain licensure in the State of Colorado as a Professional Land Surveyor (PLS). I am a former member of the Colorado State Board of Licensure for Architects, Professional Engineers and Professional Land Surveyors (AES Board) at DORA, having served on the AES Board from 2011-2019 and as Board Chair from 2013-2014. I have also taught a number of classes for the Professional Land Surveyors of Colorado (PLSC), acted as an expert surveyor for multiple law suits relative to boundary disputes, and written many articles about boundary law in Colorado.

It has always been my assertion that as a professional, all PLS's should continue to educate themselves as they progress through their career, both in order to continue to develop their expertise as a professional, but also to stay up to date with changing practices and laws. Our qualification requirements and testing to obtain licensure are based on "minimum competence", but to adequately perform as a PLS, and to protect the public, we must continue to develop our expertise and knowledge base. Unfortunately, many of the PLS's in Colorado don't do that. For instance, one of the main purposes of the PLSC is to provide continuing education opportunities for PLS's, yet only about 1/3 of licensees in Colorado even maintain membership in the PLSC, let alone attempt to educate themselves beyond a "how I was taught to do it" attitude. This is an attitude that has continued to degrade the practice of land surveying in Colorado from generation to generation of PLS's as each generation never learns more than their predecessors and usually less.

My experience on the AES Board exposed me to what I call "the worst of the worst" in that many of the PLS's that had complaints filed against them were not very well educated about the practice of land surveying and how to apply the laws governing boundary determinations to their practice as a PLS. I found this to be a shock upon entering the Board and appalling throughout my tenure there.

Since leaving the AES Board, my experience as an expert has provided me with many opportunities to review the work of other PLS's. I find that many of the PLS's in Colorado, some of which have been acting as experts on the opposite side of a suit, don't fully understand the application of boundary law in Colorado. What's even more unfortunate is that many of the PLS's in Colorado don't even know what they don't know.

A continuing education requirement is not likely to solve all the problems within the PLS community in Colorado, but it will raise the bar, which is unfortunately low at this point. Thank you for your time and consideration.

Sincerely,
Zenith Land Surveying, Inc.
Earl F. Henderson, PLS
Project Manager

