



**STATE BOARD OF REGISTRATION FOR
PROFESSIONAL LAND SURVEYORS**

DEPARTMENT OF BUSINESS REGULATION
DIVISION OF DESIGN PROFESSIONALS
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INFORMATIONAL BULLETIN 2009.02

**PROHIBITION AGAINST REGULATORY ACCEPTANCE
OF UNAUTHORIZED PLANS**

Sirs/Madams;

It has come to the attention of this Board that federal, state and municipal agencies are / may be accepting site plans containing elements of land surveying from unauthorized persons / firms and from authorized persons / firms without the proper stamps, certifications and Certificate of Authorization numbers affixed to them. Under the herein referenced statute, the practice of land surveying, including the determining of property lines, locations of existing infrastructure (i.e. houses, garages, pools... etc.), wetland and coastal features in relation to property lines, topography and bathymetry are disciplines of land surveying and land surveying only (see (i) below). The statute does not leave its interpretation to anyone other than the Rhode Island State Board of Registration for Professional Land Surveyors.

The general public and contractors are not exempt from this statute nor are they permitted to submit site plans for obtaining any permits or variances from federal, state or municipal agencies. Properly licensed and registered Professional Engineers, Architects and Landscape Architects may submit site plans to obtain permits or variances if the property surveys, topographies and other elements of land surveying are stamped, signed, and dated by the Professional Land Surveyor who actually prepared the survey work. The

surveyor's title block and Certificate of Authorization number also shall appear on said document(s).

The Board would like to bring to your attention that under RIGL 5.8.1 through 5.8.1.19 as amended, it is unlawful for any person, company, partnership, city, or town to engage in the practice of land surveying.

Therefore, the Board shall vigorously seek legal remedy from any federal, state or municipal entity that willfully violates the herein referenced statute and declare those plans that are not legally prepared null and void. Such plans may cause the applicant unnecessary legal expense and may cause their properties to have clouded titles.

To avoid your applicants from incurring unnecessary costs and likely legal entanglements, you must refrain from accepting any more plans that are not properly prepared.

Please note that all state and city/town employees are obligated to enforce these statutes and prosecute anyone who violates them (see (ii) below).

Respectfully,

Richard S. Lipsitz, PLS
Chairman

Via E-mail to: CRMC Executive & Deputy Directors
RIDEM Director & Legal Counsel
RIDOT Director, Chief Engineer & Survey Department
RIAC Director, Legal Counsel & Administrative Staff
USACE Executive Assistant, NE District &
Chief Engineer/Planning Division NE District

Via Regular Mail to: Vincent Mesollella, Chairman, Narragansett Bay Commission
Andrew K. Moffitt, Chairman, Providence Water Supply Board
Robert B. Boyer, Chairman, Kent County Water Authority

REFERENCES:

(i)

CHAPTER 5-8.1 of R.I.G.L. defines land surveying as follows:

(11) "Practice of land surveying" means any service or work, the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences and the relevant requirements of law for adequate evidence to perform the act of measuring and locating lines, angles, elevations, natural and manmade features in the air, on the surface of the earth, within underground workings, and on the beds of bodies of water for the purpose of determining areas and volumes, for the monumenting of property boundaries and for the platting and layout of lands and their subdivisions, including the topography, alignment, and grades of streets and for....

(ii)

§ 5-8.1-17 Board of registration for professional land surveyors – Violations and penalties – Injunctions. – (a) No individual shall: (1) practice or offer to practice land surveying in this state; (2) use any title, sign, card, or device implying that the individual is a land surveyor or is competent to practice land surveying in this state; (3) use in connection with his or her name or otherwise any title or description conveying or tending to convey the impression that the individual is a land surveyor or is competent to practice land surveying in this state; or (4) use or display any words, letters, figures, seals, or advertisements indicating that the individual is a land surveyor or is competent to practice land surveying in this state; unless that individual holds a currently valid certificate issued pursuant to this chapter or is specifically exempted from the certificate requirement under the provisions of this chapter.

(b) It shall be the duty of all duly constituted officers of this state and all political subdivisions of the state to enforce the provisions of this chapter and to prosecute any persons violating those provisions.