

District of Columbia Ethics for Professional Land Surveyors

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Chapter 1

Overview of the District of Columbia Land Surveying Ethics

Land Surveying Ethics

Land surveying ethics is (1) the study of moral issues and decisions confronting individuals and organizations involved in land surveying and (2) the study of related questions about moral conduct, character, ideals and relationships of peoples and organizations involved in professional land surveying practice (Martin and Schinzinger, *Ethics in Engineering*).

District of Columbia Board of Professional Engineering

The District of Columbia Board of Professional Engineering (Board) is established under D.C. Official Code §47-2853.01 et seq. to regulate the licensing and practice of professional engineers and land surveyors and to protect the public. The Board determines the scope of practice, the requirements an applicant must meet for initial licensure and renewal, including any continuing education requirements, and the appropriate level of regulation. The Board reviews applications, licenses qualified applicants, and regulates the professional practice of licensees throughout the District. The Mayor appoints the members of the Board, with the consent of the Council of the District of Columbia, to serve three-year terms. Except for the consumer member, each Board member must have been actively engaged in the practice of engineering or land surveying in the District of Columbia for at least five years preceding appointment.

District of Columbia Statutory Authority

The Code of the District of Columbia is the District's collection of laws organized by title, chapter, and section. D.C. Official Code §47-2853.01 et seq. was enacted by the Council of the District of Columbia in the interest of public health and safety to regulate the practice of engineering and land surveying in the District. Under D.C. Official Code §47-2853.111, the practice of land surveying means providing professional services, including consultation, investigation, testimony evaluation, expert technical testimony, planning, mapping, and assembling and interpreting reliable scientific measurements and information relative to the location, size, shape, or physical features of the earth, and using and developing those facts into an orderly survey map, plan, report, description, or project. The Code also sets the eligibility requirements for licensure as a land surveyor (§47-2853.112) and prohibits any person from using the terms "land surveyor" or "licensed land surveyor," or any words implying authorization to perform a land surveyor's services in the District, unless licensed (§47-2853.114).

District of Columbia Municipal Regulations

The District of Columbia Municipal Regulations (DCMR) are a compilation of the rules and regulations of the District's regulatory agencies. They are organized by title, with each title representing a subject area. Chapter 15 ("Professional Engineers and Land Surveyors") of Title 17 ("Business, Occupations, and Professionals") of the DCMR, adopted under the authority of D.C. Official Code §47-2853.10(a)(12), states the Board's rules governing the practice of engineering and land surveying. These include the rules on professional conduct (§1517), advertising (§1518), compliance (§1519), disciplinary actions, notice, and hearing (§1520), the conduct of hearings (§1521), and reinstatement of licensure after revocation (§1522). These rules are continuously updated. The District of Columbia Rules of Professional Conduct and the related rules on compliance and discipline are presented in Chapter 2 below.

District of Columbia Board Disciplinary Authority

The District of Columbia Board of Professional Engineering is charged with the duty of issuing licenses to those professional land surveyors it has determined to be qualified. Under 17 DCMR §1519, a person must be licensed under Chapter 15 and the Act to practice or offer to practice land surveying in the District, except as exempted by D.C. Official Code §47-2886.10. No person may present or attempt to use the certificate of licensure or seal of another, give false or forged evidence to the Board in obtaining or attempting to obtain a certificate of licensure, falsely impersonate another licensee, or attempt to use an expired, revoked, or non-existent certificate of licensure. The Board may take disciplinary action against a licensee found to have violated the Act or Chapter 15 following the notice and hearing procedures in Chapter 15, and a licensee whose license has been revoked may seek reinstatement under 17 DCMR §1522. The Board is not authorized to settle boundary line disputes, establish costs for services, correct miscalculations or errors in a survey of real property, or settle contractual disputes. These types of problems are civil matters and are usually settled between the parties involved either in or out of the courts. If wrongdoing by a licensee is proven in court, the Board would like to have certified copies of any orders issued to prevent the wrongdoing from happening again and to take other action as considered appropriate. Likewise, the Board has no powers of restitution, as these are reserved for the courts.

Selected disciplinary case studies illustrating violations of the District of Columbia's ethics standards and disciplinary laws and rules for land surveyors are presented in Chapter 3 below.

Chapter 2

District of Columbia Rules of Professional Conduct and Ethics for Land Surveyors

District of Columbia Board of Professional Engineering Rules, 17 DCMR Chapter 15, §§ 1517–1522: Rules of Professional Conduct and Disciplinary Procedures

The following are excerpts from Sections 1517 through 1522 of Chapter 15, Professional Engineers and Land Surveyors, of Title 17 of the District of Columbia Municipal Regulations, Rules of Professional Conduct, which the District of Columbia Board of Professional Engineering administers. If you wish to review the complete District of Columbia Code, please visit the websites at:

https://dcregs.dc.gov/

§2.1: §1517, Professional Conduct

1517.1 In order to safeguard the life, health, property and welfare of the public and to establish and maintain a high standard of integrity, skills, and practice in the professions of engineering and land surveying, the following rules of professional conduct shall be binding upon every person holding a certificate of licensure as a Professional Engineer or Professional Land Surveyor (licensee), and on all business entities authorized to offer or perform engineering or land surveying services in the District of Columbia.

1517.2 All persons licensed under the provisions of this Chapter are charged with having knowledge of the existence of the rules of professional conduct, and shall be deemed to be familiar with their several provisions and to understand them.

1517.3 The licensee shall conduct the practice in order to protect the public health, safety, and welfare.

1517.4 The licensee shall, at all times, recognize the primary obligation to protect the public in the performance of his or her professional duties. If the licensee's engineering or land surveying judgment is overruled under circumstances where the safety, health, and welfare of the public are endangered, the licensee shall inform the employer, the contractor, and the appropriate regulatory agency of the possible consequences of the situation.

1517.5 The licensee shall perform services only in areas of the licensee's competence and:

(a) Shall undertake to perform engineering and land surveying assignments only when qualified by education and experience in the specific technical field of professional engineering or land surveying involved.

(b) May accept an assignment or project requiring education or experience outside of the licensee's own field of competence, but only to the extent that the services are restricted to those portions or disciplines of the project in which the licensee is qualified. All other portions or disciplines of such project shall be performed by associates, consultants, or employees who are licensed and competent in those portions or disciplines.

(c) Shall not affix the signature or seal to any engineering or land surveying plan or document dealing with subject matter for which the licensee lacks competence by virtue of education or experience, nor to any such plan or document not prepared under the licensee's direct supervisory control.

1. Direct supervisory control (responsible charge) requires a licensee or employee to carry out client contacts, provide internal and external financial control, oversee employee training, and exercise control and supervision over all job requirements to include research, planning, design, field supervision and work product review.

i. A licensee shall not contract with a non-licensed individual to provide these professional services.

ii. Research, such as title searches and soil testing, may be contracted to a non-licensed individual, provided that individual is qualified or licensed to provide such service and provided the licensee reviews the work.

2. The licensee may affix the seal and signature to drawings and documents depicting the work of two or more professionals provided it is designated
by a note under the seal the specific subject matter for which each is responsible.

1517.6 The licensee shall issue public statements only in an objective and truthful manner and:

(a) Shall be objective and truthful in all professional reports, statements, or testimony. The licensee shall include all relevant and pertinent information in such reports, statements, or testimony.

(b) When serving as an expert or technical witness before any court, commission, or other tribunal, shall express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of the licensee's testimony.

(c) Shall issue no statements, criticisms, or arguments on engineering or land surveying matters connected with public policy which are inspired or paid for by an interested party, or parties, unless the licensee has prefaced the comment by explicitly identifying the licensee's name, by disclosing the identities of the party or parties on whose behalf the licensee is speaking, and by revealing the existence of any pecuniary interest the licensee may have in the instant matters.

(d) Shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of another engineer or land surveyor, nor indiscriminately criticize another engineer or land surveyor's work in public. Indiscriminate criticism includes statements without valid basis or cause; statements that are not objective and truthful; or statements that fail to include all relevant and pertinent information. If the licensee believes that another engineer or land surveyor is guilty of misconduct or illegal practice, such information shall be presented to the Board.

1517.7 The licensee shall avoid conflicts of interest and:

(a) Shall promptly inform the employer or client and any reviewing agency of any business association, interests, or circumstances that could influence judgment or the quality of services.

(b) Shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed to, and agreed to, by all interested parties.

(c) Shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products.

(d) Shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with the client or employer in connection with work for which the licensee is responsible.

(e) When in public service as a member, advisor, or employee of a governmental body or department, shall not participate in considerations or actions with respect to services provided by the licensee or the licensee's organization in private engineering and land surveying practices.

(f) Shall not solicit or accept an engineering or land surveying contract from a governmental body on which a principal or officer of the licensee's organization serves as a member.

(g) Shall not attempt to supplant another engineer or land surveyor in a particular employment after becoming aware that the other has been selected for the employment.

1517.8 The licensee shall solicit or accept work only based on qualifications and:

(a) Shall not offer, either directly or indirectly, to pay a commission, political contribution, gift, or any other consideration in order to secure work. Notwithstanding the foregoing, licensees are permitted to pay employment agencies fees for services rendered in securing salaried positions.

(b) Shall compete for employment based on professional qualification and competence to perform the work. The licensee shall not solicit or submit proposals for professional services containing a false, fraudulent, misleading, deceptive, or unfair statement or claim regarding the cost, quality, or extent of services to be rendered.

(c) Shall, with regard to fee bidding on public projects for the District of Columbia, comply with the provisions of 27 DCMR Chapter 26, "Construction And Architect-Engineer Contracts" and for federal projects, 40 U.S. Code 541 et seq. (the Brooks Act); and shall not knowingly cooperate in a violation of any provision of 27 DCMR Chapter 26 or of the Brooks Act.

(d) Shall not falsify or permit misrepresentation of academic or professional qualifications and shall only report educational qualifications when a degree or certificate was awarded, unless it is clearly stated that no degree or certificate was awarded. The licensee shall not misrepresent degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or past accomplishments with the intent and purpose of enhancing qualifications and work.

1517.9 The Licensee shall perform services in an ethical and lawful manner and:

(a) Shall not knowingly associate with or permit the use of the licensee's name or firm name in a business venture by any person or firm which the licensee knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature or is not properly licensed.

(b) If the licensee has knowledge or reason to believe that another person or firm may be in violation of any of these provisions or of D.C. Law 12-261, shall present such information to the Board in writing and shall cooperate with the Board in furnishing such further information or assistance as may be required by the Board. The licensee shall timely respond to all inquiries and correspondence from the Board and shall timely claim correspondence from the U. S. Postal Service, or other delivery service, sent to the licensee from the Board.

1517.10 A Professional Engineer or Professional Land Surveyor who has received a reprimand or civil penalty or whose professional license is revoked, suspended, denied, or surrendered because of disciplinary action by another jurisdiction shall be subject to discipline by the Board if the licensee's action constitutes a violation of D.C. Law 12-261 or the rules adopted by the Board.

§2.2: §1518, Conduct of Advertising

1518.1 The Professional Engineer or Professional Land Surveyor shall not make exaggerated, misleading, deceptive, or false statements or claims about professional qualifications, experience, or performance in brochures, correspondence, listings, or other public communications.

1518.2 The prohibitions listed in subsection 1518.1 include, but are not limited to, the use of statements containing a material misrepresentation of fact or omitting a material fact necessary to keep the statement from being misleading; statements intended or likely to create an unjustified expectation; and statements containing a prediction of future success.

1518.3 Consistent with the prohibitions set out in subsection 1518.2, the Professional Engineer or Professional Land Surveyor may advertise for recruitment of personnel.

1518.4 Consistent with the prohibitions set out in subsection 1518.2, the Professional Engineer or Professional Land Surveyor may prepare articles for the lay or technical press. Such articles shall not imply credit to the author for work performed by others.

§2.3: §1519, Compliance

1519.1 A person must be licensed pursuant to this chapter and the Act to practice or offer to practice engineering or land surveying in the District of Columbia, except as exempted by D.C. Official Code §47-2886.10.

1519.2 No person shall use the words "engineer," "engineering," "land surveyor," "land surveying" or any modification or derivative thereof in any form indicating or tending to indicate that he or she is licensed by the Board unless he or she possesses a valid license as a Professional Engineer or Land Surveyor issued by the Board.

1519.3 Any person presenting or attempting to use the certificate of licensure or the seal of another, or any person who shall give any false or forged evidence of any kind to the Board or any member thereof in obtaining or attempting to obtain a certificate of licensure, or any person who shall falsely impersonate any other licensee of like or different name, or any person who shall attempt to use an expired or revoked or non-existent certificate of licensure, or who shall practice or offer to practice when not qualified, or any person who falsely claims that he/she is licensed under these Rules, or any person who shall violate any of the provisions of these Rules shall be in violation of these Rules.

1519.4 Any individual licensed with this Board to perform land surveying services shall comply with the minimum standards codified for land surveys in the District of Columbia.

§2.4: §1520, Disciplinary Actions, Notice, and Hearing

1520.1 A person may make a complaint to the Board regarding a licensee's conduct by contacting the Department in writing.

1520.2 The Department shall forward the written complaint to the Board and the Board shall review the complaint and decide whether to direct the Department to investigate the matter.

1520.3 The Board, after receiving an investigation report from the Department regarding a complaint alleging that a licensee violated any provision of this chapter or the Act, may vote to initiate disciplinary proceedings against a licensee. A hearing is required when the Board intends to pursue one of the following penalties:

(a) A civil fine;

(b) A written reprimand;

(c) A license suspension;

(d) A refusal to renew a license;

(e) A license revocation; or

(f) Deny a license application pursuant to the reasons set forth in section 1505.1(b) of this chapter.

1520.4 If, by majority vote, the full Board elects to refer the matter to the Office of the Attorney General to initiate disciplinary proceedings, the Board may, instead of conducting the disciplinary hearing before the full Board, elect to convene a small committee of three (3) or more Board members for the purposes of holding the disciplinary hearing and rendering a recommended decision.

1520.5 When a small committee conducts a disciplinary hearing in lieu of the full Board, the full Board must ratify the committee's recommended decision for that decision to have legal effect against the applicant or licensee.

1520.6 Notwithstanding subsections 1520.3 and 1520.4, and pursuant to D.C. Official Code § 2-1831.03(i), the Board may, by majority vote, elect to refer a disciplinary hearing to the Office of Administrative Hearings (OAH) for adjudication. If the Board elects to refer a hearing to OAH for adjudication, the Board shall abide by the applicable law and regulations governing OAH hearings, decisions, and orders, and shall only assume jurisdiction over the matter in an appellate capacity.

1520.7 When the Board elects to refer the matter to the Office of the Attorney General to initiate disciplinary proceedings, the Office of the Attorney General shall prepare a notice of hearing and shall serve the document upon the applicant or licensee personally or by certified mail no less than thirty (30) days before the hearing. If the Board has elected to have OAH conduct the hearing, the Office of the Attorney General shall comply with the notice procedures implemented by OAH as set forth in 1 DCMR Chapter 28 and 1 DCMR Chapter 29, whichever is applicable, and not the notice procedures set forth in this chapter unless otherwise required by OAH.

1520.8 The notice of hearing shall state that the Board intends to hold a hearing on the matter not less than thirty (30) days after service of the notice is made upon the licensee. The notice shall contain the following:

(a) The time, place, and nature of the hearing;

(b) A statement of legal authority and jurisdiction under which the hearing is to be held;

(c) A reference to the particular section of the statutes and rules involved; and

(d) A short and plain statement of the matters asserted.

1520.9 The notice of hearing shall indicate that the applicant or licensee shall have the right to appear with or without counsel, shall have the right to cross-examine witnesses in his or her defense, and shall have the right to produce evidence and witnesses.

1520.10 If the applicant or licensee fails or refuses to appear for the scheduled hearing and the Board has not granted a continuance, the Board may proceed with the hearing and render a decision and order.

§2.5: §1522, Reinstatement of Licensure or Certification After Revocation

1522.1 Upon petition of a former licensee, the Board may reissue a certificate of licensure or authorization if a majority of the members of the Board vote in favor of such issuance.

1522.2 The Board, for reasons it may deem sufficient, may reissue a certificate of licensure to any person whose certificate has been revoked.

§2.6: §1521, Conduct of Hearings

1521.1 Hearings shall be conducted in accordance with the procedural rules set forth in Chapter 1 of this title.

Chapter 3

Review of Disciplinary Cases

The following cases were extracted from the public disciplinary summaries published by the District of Columbia State Board, which report the final actions taken by the Board against licensed land surveyors and engineers.

CASE 1: Four Surveys That Missed a Twelve-Inch Encroachment

Case Review: A title insurer sued two land surveying firms over four surveys of one Washington, D.C. lot. KCI's 2006 survey found no encroachment from the neighboring building's party wall. WMC's 2012 and 2013 surveys found 2–3 inches and then 4 inches. In March 2014, with part of the brick façade removed, the developer learned the encroachment was 12 inches. The developer demolished the party wall and faced $577,000 per month in tenant delay penalties if the tenant couldn't move in by December 2015. The insurer paid about $1 million on its title policy and sued for negligence, negligent misrepresentation, and negligent breach of contract. The district court dismissed the suit as time-barred.

Violations: These were allegations in a civil complaint, not findings. The court made no ethics or licensing determination. KCI had certified the accuracy of its 2006 survey to the developer, the insurer, and others.

Court Decision: The D.C. Circuit reversed the dismissal on the three claims at issue and sent the case back. It held that D.C.'s discovery rule can apply at the pleading stage. The insurer and developer were sophisticated businesses but not in land surveying, and the defect was latent enough that four surveys failed to pin it down. The economic loss doctrine also didn't bar the insurer's direct claims against KCI at that stage, because KCI's certification plausibly created obligations to the insurer.

Why this matters: A certified survey invites reliance from people other than the client, including insurers and lenders. If it is wrong, the surveyor's exposure can last years after delivery.

CASE 2: Practicing on an Expired License (Engineer, Shared Rule)

Licensee: John Mateo, PE (a second engineer, Alex Ryberg, received the same type of action that day)

Case Review: The Board's October 30, 2025 minutes record that the Board acted against the licensee for practicing on an expired license.

Violation: Practicing while the license was expired, contrary to the license-required rule. Board Decision: Formal reprimand, a $750 civil fine, and an offered Consent Order. The Ryberg matter ended in a formal reprimand, a $500 fine, and an offered Consent Order.

Why this matters: A license is the public's assurance that the person is currently qualified. The Board treats a lapse as unlicensed practice even when the person was once licensed, which applies equally to a surveyor whose renewal slips.

CASE 3: Stamping Projects While the License Was Expired (Engineer, Shared Rule)

Licensee: Mr. Weatherer, PE (PE10417)

Case Review: The Board's September 26, 2024 minutes record the action as being for stamping several projects while his license was expired.

Violation: Applying a professional stamp to multiple projects with no valid license.

Board Decision: Consent Order and a $2,500 civil fine.

Why this matters: A seal tells clients and agencies that a currently licensed professional stands behind the work. Sealing on an expired license makes that statement false on every document it touches. The fine here ($2,500) was higher than in the plain expired-practice matters in this set, though the minutes don't say why.

CASE 4: Practicing on an Expired License (Engineer, Shared Rule)

Licensee: Larry Holloway, PE (PE921630)

Case Review: The same September 26, 2024 minutes record this action for practicing on an expired license.

Violation: Practicing without a current license.

Board Decision: Consent Order and a $1,500 civil fine.

Why this matters: Taken with Case 2, it shows the Board's fines for expired-license practice ranged from $500 to $1,500 in this period, resolved by consent orders.

Appendix A

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