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Illinois Standards of Practice for Professional Land Surveyors

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Chapter 1

Overview of the Illinois Surveying Standards

Illinois Professional Engineering and Land Surveying Board

Professional Engineers became regulated by the State of Illinois between 1945 and 1946. The Board is appointed by the Secretary and is composed of ten members, consisting of one public member and nine Professional Engineers licensed under the Professional Engineering Act. Each licensed member must have been licensed in Illinois as a Professional Engineer for at least ten years and have not been disciplined within those ten years. The Board is charged with advising the Secretary on matters related to professional competence, conduct, and examination and licensure requirements. Additionally, the Board reviews the education, examination and experience qualifications of PE applicants; conduct reviews of professional complaints submitted to the Department; and make recommendations to the IDFPR enforcement personnel if the complaint warrants disciplinary actions.

Illinois Administrative Code

The Illinois Administrative Code is a compilation of the rules and regulations adopted by Illinois state agencies and regulatory bodies. It is organized by titles, chapters, and parts, with each part containing rules governing a particular profession, agency, or regulatory program. Title 68, Part 1270 of the Illinois Administrative Code, commonly referred to as the rules governing the Illinois Professional Land Surveyor Act of 1989, contains the rules adopted by the Illinois Department of Financial and Professional Regulation (IDFPR) for the regulation of professional land surveying in Illinois. The rules are adopted under the authority of the Illinois Professional Land Surveyor Act of 1989 (225 ILCS 330) and establish requirements relating to licensure, professional design firms, renewals, minimum standards of practice, professional conduct, seals and signatures, certificates of correction, variances, and professional development.

Section 1270.56, Minimum Standards of Practice, establishes requirements for surveying and mapping services performed in Illinois. These standards are intended to protect the public by ensuring that surveying and mapping services are completed in accordance with prevailing professional practices and current technological methods. The standards are binding upon persons and firms practicing land surveying in Illinois, subject to applicable exceptions and more stringent federal, state, or local requirements.

Selected provisions of the Illinois Administrative Code and Minimum Standards of Practice for Boundary Surveys, contained in Part 1270 of the Administrative Code, are presented in Chapter 2 below.

Illinois Land Surveyors Disciplinary Authority

The Illinois Department of Financial and Professional Regulation (IDFPR) is responsible for regulating the practice of professional land surveying in Illinois under the Illinois Professional Land Surveyor Act of 1989 (225 ILCS 330). Under Section 27 of the Act, the Department may refuse to issue or renew a license, revoke or suspend a license, place a licensee on probation, issue a reprimand, or take other disciplinary or non-disciplinary action, including fines of up to \$10,000 per violation, for grounds including negligence, incompetence, misconduct, violations of the Act or its rules, fraud or misrepresentation, unethical or unprofessional conduct, improper use of a professional land surveyor's seal, and inadequate supervision of surveying operations. The Department may also investigate and take action against the unlicensed practice of professional land surveying, including civil penalties of up to \$10,000 per offense. The Land Surveyors Licensing Board advises the Department on matters including professional conduct and competence and participates in the disciplinary process as provided by the Act.

Chapter 2

Illinois Standards of Practice for Professional Land Surveyors

Title 68 – Professions and Occupations

The following are excerpts from Illinois Administrative Code, Title 68, Part 1270, Illinois Professional Land Surveyor Act Of 1989. If you wish to review the complete Illinois Administrative Code and Minimum Standards of Practice for Boundary Surveys, respectively, please visit the website at:

<https://ilga.gov/agencies/JCAR/EntirePart?titlepart=06801270>

Part 1270 - ILLINOIS PROFESSIONAL LAND SURVEYOR ACT OF 1989

§ 1270.10 - Application for Licensure as a Professional Land Surveyor by Acceptance of Examination

A license applicant shall have satisfied the education requirement as specified in Section 1270.14 or Section 1270.15, acquired the experience required by Section 1270.13 and passed the required examinations in compliance with Section 1270.20 prior to applying to the Division.

a) A license applicant shall satisfy one of the below options when applying:

1) Applicant Enrolled as an Illinois Surveyor Intern

An applicant who is enrolled as an Illinois surveyor intern shall file an application on forms provided by the Division and shall include, in addition to the requirements of Section 10 of the Act, the required fee specified in Section 1270.52 and the following:

A) An official copy of his or her Illinois Surveyor Intern certificate indicating prior Board approval of the baccalaureate degree and passage of the FS exam.

B) Official certification for successful passage of the National Counsel of Examiners for Engineering and Surveying (NCEES) Principles and Practice of Land Surveying Examination and Illinois jurisdictional examination requirement as specified in Section 1270.20.

C) Experience verification forms completed by the supervisor, indicating at least 4 years of responsible charge experience in land surveying as specified in Section 1270.13.

2) Applicant Not Enrolled as an Illinois Surveyor Intern

An applicant not enrolled as an Illinois surveyor intern shall file an application on forms provided by the Division and shall include, in addition to the requirements of Section 10 of the Act, the required fee specified in Section 1270.52 and the following:

A) An official transcript showing conferral date for a degree from an approved program as specified in Section 1270.14 or from a non- approved program as specified in Section 1270.15.

B) Certification of successful passage of the FS, PS and Illinois jurisdictional examinations as specified in Section 1270.20.

C) Experience verification forms completed by the supervisor, indicating at least 4 years of responsible charge experience in land surveying as specified in Section 1270.13.

b) Applicants not enrolled as a surveyor intern in Illinois who apply after January 1, 1997, who graduated from a land surveyor program outside the United States or its territories and whose first language is not English must provide proof of passage of the Test of English as a Foreign Language Internet Based Test (TOEFL-iBT) with a minimum score of 26 on the speaking module and a total minimum integrated score of 88. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the land surveyor program from which the applicant graduated was taught in English.

c) Applicants not enrolled as a surveyor intern in Illinois who received their education in a foreign country other than Canada shall have the education evaluated on a course-by-course basis at their expense. Applicants may obtain forms from NCEES Credentials Evaluations, 200 Verdae Boulevard, Greenville, SC 29607 to evaluate educational programs. The Board will review all transcripts and the evaluation submitted to the Division to determine if the education meets the requirements set forth in this Section and Section 1270.15.

d) Upon receipt of the application and all supporting documentation in complete order:

1) The applicant's file will be presented to the Board for evaluation of the required education and experience as specified in this Section. Once the application has been reviewed, an applicant, if otherwise qualified, shall be granted a license to practice professional land surveying in this State.

2) Applicants who are reviewed by the Board and not approved, based on requirements specified in this Section, shall be deferred licensure as an Illinois professional land surveyor until the applicant meets the requirements.

3) If an applicant fails to submit all required items for licensure under the Act within 3 years after filing the application, the application shall expire and be denied. The applicant may, however, make a new application for licensure accompanied by the required fee, and furnish proof of meeting the qualifications for licensure in effect at the time of new application.

§ 1270.20 - Examinations

a) An applicant for enrollment as a Surveyor Intern shall pass the National Council of Examiners for Engineering and Surveying (NCEES) Fundamentals of Land Surveying Examination.

b) An applicant for licensure as a Professional Land Surveyor shall have passed the required FS examination and the following examinations:

- 1) NCEES Principles and Practice of Land Surveying Examination; and
- 2) Illinois Jurisdictional Examination.

c) The scoring of the NCEES Fundamentals of Land Surveying Examination and the NCEES Principles and Practice of Land Surveying Examination and the determination of scores shall be as approved by NCEES. Separate scores shall be given for each examination and the scores shall be reported as pass/fail.

d) The Illinois Jurisdictional Examination shall be reported as pass/fail. The Jurisdictional Examination shall include, but not be limited to, the following areas:

- 1) History of the public land surveying system in Illinois;
- 2) Jurisdictional Standards and Ethics (knowledge of prevailing professional standards and ethics specific to Illinois);
- 3) Jurisdictional Legal Precedent and Principles (knowledge of legal principles and requirements specific to Illinois);
- 4) Jurisdictional Field Techniques (knowledge of field research techniques specific to Illinois); and
- 5) Jurisdictional Record Sources (knowledge of sources of records and information specific to Illinois).

e) Retake of Examination.

1) Applicants who do not pass the NCEES Fundamentals of Land Surveying Examination, the NCEES Principles and Practice of Land Surveying Examination or the Illinois Jurisdictional Examination will be required to retake only the examinations failed.

2) Scores from examinations already passed under a previous application shall be carried over and applied to subsequent applications.

3) Fundamentals of Surveying Examination scores do not expire, with exception as noted in Section 1270.5(f)(1).

f) Candidates who fail an examination may not review their examination booklet or the associated answer sheets. Rescoring of the examination or any individual problem is not permitted; however, a retabulation of the numerical score will be permitted for a paper examination, but no retabulation of a computer-based examination is allowed.

g) Examinations may be given in various formats with different application submittal dates depending on the examination format.

1) The Illinois Jurisdictional examination is administered in paper format on varying dates year-round as prescribed by the examination administrator.

2) Examinations administered in a computer-based format. Applicants may attempt a particular NCEES exam one time per testing window and no more than three times in a 12-month period, which begins with the examinee's first attempt.

h) If an applicant has failed an examination, the examination may not be waived for licensure.

§ 1270.50 - Renewals

a) Every license as a Professional Land Surveyor issued under the Act shall expire on November 30 of each even numbered year. The holder of a license may renew that license during the month preceding the expiration date thereof by paying the fee specified in Section 1270.52 and meeting the professional development requirements set forth in Section 1270.65.

b) It is the responsibility of each licensee to notify the Division in writing of any change of address. Failure to receive a renewal notice from the Division shall not constitute an excuse for failure to pay the renewal fee and to renew one's license.

c) Every license issued to a professional design firm under the Act shall expire on April 30 of each odd-numbered year. The holder of a license may renew that license for a 2-year period during the month preceding the expiration date thereof by paying the fee specified in Section 1270.52 and certifying that the firm is in good standing with the Secretary of State, if applicable.

d) Practicing or offering to practice on a license that has expired or been placed on inactive status shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 27 of the Act.

e) It is the responsibility of each licensee to notify the Division of any discipline or conviction of or entry of a plea of guilty or nolo contendere to any crime that is a felony under the laws of the United States or any state or territory thereof, or that is a misdemeanor, an essential element of which is dishonesty, or any crime that is directly related to the practice of the profession of land surveying since the last renewal.

§ 1270.52 - Fees

The following fees shall be paid to the Department and are not refundable:

a) Application Fees.

1) The fee for application for a license as a professional land surveyor is \$150. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the

Department or the designated testing service, shall result in the forfeiture of the examination fee.

2) The application fee for a license as a surveyor intern is \$70.

3) The application fee for a certificate of registration as a professional design firm is \$75.

b) Renewal Fees.

1) The fee for the renewal of a license shall be \$30 per year.

2) The fee for renewal of a certificate of registration as a professional design firm is \$75 for the renewal period (see Section 1270.50(d)).

c) General Fees.

1) The fee for the restoration of a license other than from inactive status is \$50 plus payment of all lapsed renewal fees.

2) There is no charge for the issuance of a replacement license for a license that has been lost or destroyed, or for issuance of a license with a change of name or address. Licenses are available electronically through the Department website.

3) The fee for a certification of a licensee's record for any purpose is \$20.

d) All of the fees collected pursuant to this Section shall be deposited in the Design Professionals Administration and Investigation Fund.

§ 1270.55 - Land Surveyor Complaint Committee

a) The Land Surveyor Complaint Committee of the Land Surveyors Licensing Board authorized by Sections 8 and 29 of the Act shall be composed of 2 members of the Land Surveyors Licensing Board, a Supervisor over Design Investigations and Chief of Prosecutions over Design Prosecutions. The Director of Enforcement shall designate the Supervisor and Chief assigned to the Complaint Committee.

b) The Complaint Committee shall meet at least once every 2 months to exercise its functions and duties set forth in subsection (c). The Complaint Committee may meet concurrently with the Complaint Committees of the Architecture Licensing Board, the State Board of Professional Engineers and the Structural Engineering Board to discuss interrelated professional matters. The Complaint Committee shall make every effort to consider expeditiously and take prompt action on each item on its agenda.

c) The Complaint Committee shall have the following duties and functions:

1) To review investigative case files after an initial inquiry into the involved parties and their licensure status have been obtained. "Case file" means the allegation made against an involved party that resulted in a preliminary inquiry and other information being obtained in order to determine whether an investigation should be initiated or prosecution pursued. A "Formal Complaint" means the notice of allegations and charges or basis for licensure denial which begins the formal proceedings.

- 2) To refer the case file to the Supervisor over the Design Investigators for further action. The Complaint Committee shall give the Supervisor an indication as to the prosecutorial merit and relative severity of the allegations to aid in the prioritization of investigative activity.
 - 3) To recommend that a case file be closed.
 - 4) To recommend that an Administrative Warning Letter be issued and the case file closed.
 - 5) To refer the case file to Prosecutions for review and action.
 - 6) To report the actions of the Complaint Committee at each Board meeting and to present enforcement statistics such as the type of alleged violation.
- d) In determining what action to take or whether to proceed with investigation and prosecution of a case file, the Complaint Committee shall consider the following factors, but not be limited to: the effect on the public's health, safety and welfare; the sufficiency of the evidence presented; prosecutorial merit; and sufficient cooperation from complaining parties.
- e) At any time after referral to Prosecutions, the Division may enter into negotiations to resolve issues informally by way of a Consent Order. Factors to be considered in deciding whether to enter into settlement negotiations shall include, but not be limited to: the effect on the public's health, safety and welfare caused by the respondent's alleged conduct; sufficient investigation of the case; prosecutorial merit; relative severity of the respondent's alleged conduct; and past practices of the Division.
- f) No file shall be closed nor Formal Complaint dismissed except upon recommendation of the Complaint Committee and/or approval by the Land Surveyors Licensing Board. Those case files that previously have been before the Board and are the subject of a Consent Order or Formal Order of the Director may be closed without further recommendation or approval of the Land Surveyors Licensing Board or the Complaint Committee.
- g) Disqualification of a Land Surveyors Licensing Board member.
- 1) A Board member shall be recused from consideration of a case file or Formal Complaint when the Board member determines that a conflict of interest or prejudice would prevent that Board member from being fair and impartial.
 - 2) Participation in the initial stages of the handling of a case file, including participation on the Complaint Committee and in informal conferences, shall not bar a Board member from future participation or decision making relating to that case file.
- h) An informal conference is the procedure established by the Division that may be used for compliance review, fact finding, discussion of the issues, resolving case files, licensing issues or conflicts prior to initiating any Formal Complaint or formal hearing. An informal conference may only be conducted upon agreement of both parties. Informal conferences shall be conducted by a Division attorney and shall include members of the Board. Board members shall be scheduled for informal conferences on a rotating basis.

§ 1270.56 - Minimum Standards of Practice

The minimum standards of practice set forth in this Section are intended to provide protection for the public by insuring that surveying and mapping services defined in this Section are completed in accordance with prevailing professional practices and current technological methods, and to provide a means by which professional performance of the individual practitioner can be assessed. These standards are to be binding upon every person and firm practicing land surveying in the State of Illinois, except where differing federal, State or local laws, ordinances or rules may be more stringent, or when special conditions exist that effectively prevent the survey from meeting these minimum standards. When special conditions exist any necessary deviations from the standards shall be noted on the plat or map. It shall be a violation of this Part to use special conditions to circumvent the intent and purpose of the minimum standards. Any of the professional services set forth in this Section are greatly influenced by the evaluation of recorded information and field observations, and all those services shall be accomplished in compliance with these standards to ensure that they are located, described and platted in a professional manner. All terms used in these Minimum Standards of Practice shall be interpreted to agree with the definitions of those terms in the most current publication of Black's Law Dictionary, Definitions of Surveying and Associated Terms published by the National Society of Professional Surveyors (NSPS) and the American Society of Civil Engineers (ASCE), and Glossary of the Mapping Sciences published by American Society for Photogrammetry and Remote Sensing (ASPRS), NSPS and the ASCE.

a) ALTA/NSPS Land Title Survey

- 1) An ALTA/NSPS land title survey is a specialized survey that meets the specific needs peculiar to title insurance purposes, to enable title insurance companies to insure title to land without exceptions as to survey matters.
- 2) All land title surveys shall be subject to the "2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys", published jointly by the American Land Title Association (ALTA), 1828 L. St., N.W., Suite 705, Washington, D.C. 20036 and the National Society of Professional Surveyors (NSPS), 6 Montgomery Village Avenue, Suite #403, Gaithersburg MD 20879. This incorporation does not include any later amendments or editions.
- 3) All ALTA/NSPS land title surveys are to be performed to the current ALTA/NSPS Minimum Standard Detail Requirements. It is incumbent upon the licensed professional land surveyor to discuss with the client additional or optional requirements to be provided.

b) Boundary Survey

- 1) A boundary survey is a land survey that requires study, investigation and evaluation of major factors affecting and influencing the location of boundary lines and that culminates in the deliberate location or relocation of the corners, perimeters, division lines or boundaries of a certain lot, parcel or quantity of real estate, according to the record title description of the parcel or parent tract, facts and evidence found in the course of performing the research and fieldwork, and in accordance with appropriate boundary law principles. The record title description should be furnished by the client, unless otherwise jointly agreed upon by the client and surveyor.

2) The purpose of a boundary survey is to establish or retrace the boundary lines and corners of the surveyed property, and to define and identify those lines so as to uniquely locate each lot, parcel or other specific land area in relation to well recognized and established points of reference, adjoining properties, and rights of way.

3) When a client desires only a portion of their property surveyed, and this portion can be clearly isolated from the remainder of the property without affecting the interests of adjoining owners, these rules shall apply to the survey of only the desired portion.

4) A boundary survey shall include, but not be limited to, the following:

A) Gathering and evaluating the best available evidence indicating where the boundary lines being retraced have become established on the ground.

B) Clear and legible field notes containing all pertinent information, measurements and observations made in the course of the field survey.

C) Unless requested otherwise by the client or his/her agent, a plat of survey.

D) A legal description for any parcel surveyed.

E) Monuments or witness points shall be set for all accessible corners of the survey except when in the opinion of the Professional Land Surveyor, corner monuments would be destroyed by development, re-development construction, grading or utility construction. In this case, monumentation may be delayed until construction or grading is completed and must be in place within 12 months of the date of field work of the last survey.

5) Information Research Required. Sufficient information to perform the survey shall be either furnished by the client and/or his/her agent or obtained by the surveyor by agreement with the client. The following appropriate factors must be evaluated by the surveyor:

A) A property description describing the subject parcel. If, in the opinion of the surveyor, the description furnished or obtained is insufficient to fully define the extent or location of the parcel to be surveyed due to ambiguity or calls for adjoining deeds, prior recorded survey plats, etc., it is the duty of the client (unless agreed upon otherwise) to furnish the additional information requested by the surveyor. This is not to be construed to indicate that the surveyor has an obligation to research the title of record.

B) A reproduction of the recorded subdivision plat that created the subject lot, block or parcel.

C) A reproduction of the Government Township Plat and pertinent Monument Records if the survey is of a section or aliquot part of a section.

D) Relevant data provided by the client regarding special circumstances, such as unrecorded easements, judgements or Court decrees that may influence the location of boundaries of the survey.

E) Except, however, if the documents identified in subsections (b)(5)(A) through (D) are not provided to the surveyor, the surveyor shall as a minimum, consult deeds and other documents, including those for adjacent parcels, in order to assemble the best possible set of written evidence of every corner and line of the property being surveyed.

6) Boundary Analysis and Resolution - the boundary lines and corners of any property being surveyed shall be established and/or retraced in accordance with appropriate boundary law principles governed by the set of facts and evidence found in the course of performing the research and fieldwork.

7) Positional Accuracy - the relative positional accuracy for boundary surveys shall be in accordance with the most current model standards for property surveys as published by the National Society of Professional Surveyors (NSPS).

8) Monuments. Monuments set or called for, whether artificial or natural, bear witness to the footsteps of a surveyor and his/her professional opinion as to the proper marking of a desired position. Monumentation for public land survey systems corners shall be in accordance with the Land Survey Monuments Act [765 ILCS 220]. The following shall be considered acceptable types of artificial monuments for all other corners:

A) Types

i) Iron bars or rods shall be a minimum of 1/2" in diameter by 24" in length. Iron pipes shall be a minimum of 1/2" in diameter by 24" in length, with a minimum wall thickness of 1/8" and be detectable with conventional instruments for finding ferrous or magnetic objects. Where rocky soils prevent specified lengths, the bar, rod or pipe should be driven to refusal at depths where it will remain stable.

ii) Concrete monuments shall be a minimum size of 5" in diameter by 24" in length, or 4" square by 24" in length, and shall have a precise corner mark and shall be reinforced by at least a 1/4" re-bar or 1/2" or larger iron pipe.

iii) Stone monuments shall be a minimum size of 4" square by 24" in length and shall have a precise corner mark.

iv) Commercial cast iron or aluminum survey markers no less than 24" in length. Non-ferrous markers shall have ceramic magnets attached to aid in recovery.

v) Other monuments, such as drill holes, chiseled marks in stone, concrete or steel, punch marks, precast bronze discs, nails or spikes, etc., shall be of sufficient size, diameter or depth to be definitive, stable and readily identified as a survey marker. Objects upon which the marks or markers are placed shall be of a stable and permanent nature.

B) Requirements

i) When it is physically impossible or impractical to set a monument at the corner, a witness corner or corners will be set, or noted if existing witness corners are found. Witness corners shall be referenced to the survey corner or survey lines.

ii) Monuments must be set to a sufficient depth so as to retain a stable and distinctive location. Material and size for monuments shall be chosen in regard to the terrain and situation that exists at the site of the survey. All monuments shall be set vertically whenever possible.

9) Plats. On all boundary surveys the completed plat shall be drawn on a stable and durable medium with a minimum size of 8 1/2" by 11" and shall contain the following:

A) Firm name, address and registration number.

B) Professional land surveyor seal, signature, date of signing, and license expiration date. The licensee may provide, at his or her sole discretion, an original signature in the licensee's handwriting, a scanned copy of the document bearing an original signature, or a signature generated by a computer.

C) Client's name.

D) North arrow.

E) Scale-written or graphic.

F) Date of completion of field work.

G) Legal description of the property.

H) Legend for all symbols and abbreviations used on the plat.

I) Monuments or witness corners, whether set or found, intended to represent or reference corners of the survey, shall be shown and described as to size, shape and material, and their positions noted in relation to the survey corners.

J) Sufficient angles, bearings or azimuths, linear dimensions and curve data must be shown on the plat to provide a mathematically closed figure for the exterior of the survey. Where record angular dimensions, bearings or azimuths, linear dimensions or curve data exist, such data shall be shown on the plat and distinguished from measured dimensions or data. Area of the survey is to be shown on the face of the plat unless otherwise requested by the client.

K) Where bearing, azimuth or coordinate systems are used, the basis or proper names of the system shall be noted on the plat.

L) If the survey is a parcel in a recorded subdivision, any adjacent rights of way or easements and setback lines shown on the recorded plat that affect the subject parcel shall be shown and dimensioned.

M) The character and location of evidence of possession or occupation along the perimeter of the surveyed property and by adjoiners, observed in the process of conducting the fieldwork.

N) Show visible evidence of improvements, rights of way, easements, or use when requested by the client.

O) Exculpatory statements that attempt to restrict the uses of boundary surveys shall not be affixed to any plat.

P) The following statement shall be placed near the professional land surveyor seal and signature: "This professional service conforms to the current Illinois minimum standards for a boundary survey."

10) Field Procedures. All field work shall be performed by a professional land surveyor or a person under his/her direct control and supervision in accordance with accepted methods of surveying theory, practice and procedures. It is the responsibility of the professional land surveyor to ensure conformance with the following specific requirements:

A) All surveying instruments shall be kept in proper adjustment and calibration.

B) All corners or monuments called for in the information provided or obtained under subsection (b)(4) that affect the location of the boundaries of the land to be surveyed shall be physically searched for in a methodical and meticulous fashion. Each corner or monument recovered shall be evaluated as to its agreement by description and location with the information in subsection (b)(4).

C) Other evidence that could influence the location of the lines or corners of the survey shall be located and evaluated.

D) When the survey is of an aliquot or divisional part of a larger tract, sufficient field work must be performed to ensure that the existence of excess or deficiency, if any, in the parent tract can be determined and distributed by the professional judgment of the surveyor.

E) All field data, including electronic field notes, shall be retained in a legible and orderly fashion that will be understandable to other surveyors.

11) It shall be the responsibility of each professional land surveyor to monitor his/her work and that of those working under his/her supervision, so that the methods used to perform the survey and produce the plat and/or report will be of such quality that the accuracy, precision and positional tolerance of the final product delivered to his/her client will equal or exceed the "Positional Accuracy" requirements stated in subsection (b)(7) and that which would be provided by another competent surveyor under similar circumstances.

c) Condominium Surveys. Condominium surveys are a specialized class of boundary surveys and are governed by the Condominium Property Act [765 ILCS 605]. The plat requirements referred to in Section 5 of that Act must be the result of actual field measurements and are not to be transcribed from plans or other informational materials. The exterior boundaries of a condominium parcel shall be monumented as required by the Plat Act [765 ILCS 205]. Notes on the condominium plat must indicate whether the interior measurements shown are referring to finished or unfinished surfaces or planes and what data was used for any elevations depicted on the plat.

d) Subdivision Surveys

1) Subdivision surveys include subdivision plats, re-subdivision plats, consolidation plats, and planned unit development (PUD) plats when used to subdivide land; all of which are governed by and prepared in accordance with local subdivision control ordinances, governmental regulations and the Illinois Plat Act [765 ILCS 205]. A subdivision survey requires the retracement of the boundary of the parent tract by the subdividing surveyor and becomes an original survey upon the creation of new land parcels, blocks or "lots". Monumentation for subdivision surveys is mandatory according to the statute. All exterior corners of the subdivision shall be monumented prior to recordation of the subdivision plat. If, in the opinion of the subdividing surveyor, a disproportionate number of interior monuments would be destroyed by grading, utility installation, etc., monumentation of the interior corners may be delayed unless local regulations or ordinances specify otherwise. Interior corners of the subdivision shall be monumented prior to the conveyance of any lot, block, parcel or unit within the subdivision and in all cases the monumentation shall be in place within 12 months after the recording date of the subdivision plat. All of the interior corners subject to delayed staking shall be denoted on the record plat as "to be set", either by labeling or appropriate symbols or notations. Upon completion of the monumentation the subdividing surveyor shall file an affidavit with the Recorder of the county in which the subdivision is located certifying that the monumentation of the subdivision has been completed. The affidavit shall include the name of the subdivision, date of plat recording and recording location information (book and page and/or document number).

2) Vertical subdivisions, i.e., subdivisions that divide property by horizontal, vertical, and oblique planes, require that all exterior boundary corners of the subdivision be monumented at its ground elevation prior to recordation of the subdivision plat. The physical features, if any, controlling the limits of the subdivided property must be defined on the subdivision plat. The datum used to control the dividing horizontal planes must be defined on the subdivision plat together with the benchmark used to determine the elevations of these planes. The interior corners or any lot or block corners other than those that are required for monumenting the exterior boundary corners do not require monumentation.

e) Mortgage Inspection. A Mortgage Inspection does not approach the standards of other survey categories, though by the provisions of Section 5 of the Illinois Professional Land Survey Act of 1989 [225 ILCS 330/5] the services of an Illinois Professional Land Surveyor are required. A mortgage inspection is not a type of boundary survey or ALTA/ACSM survey and does not constitute a boundary survey of the subject real property. A mortgage inspection includes field investigation, measurements and graphic representation of improvements.

1) Purpose. The mortgage inspection is intended for use by a mortgage lender and/or title insurer and is only a professional opinion of the relationship of improvements with respect to the deed lines and the existence, location and type of building on the property, the intent of which is to assist in the determination of the property's suitability to serve as collateral for a mortgage. It is not an opinion as to deed, title or platted lines. It is not to be used in matters of boundary disputes, legal actions between landowners, or for construction purposes. No new legal descriptions can be created from a mortgage inspection.

2) Product. A complete mortgage inspection will produce a drawing entitled "Mortgage Inspection" and, if required, a written report of the surveyor's findings and determinations.

3) Information

A) The following information shall be furnished by the client and/or his/her agent:

i) Legal description and address for the tract of land.

ii) Copy of commitment of title insurance for the tract of land, if possible.

B) The following information shall be obtained by the surveyor:

i) Copy of recorded subdivision plats (if applicable).

ii) Recorded section corner tie monuments and original government surveys (if applicable).

iii) Other necessary surveying information.

4) Monuments. No monuments shall be set.

5) Tolerances. Tolerances cannot be mandated for a mortgage inspection since the very nature of recovering deed lines and other information for that purpose precludes a rigid adherence to any standard value.

6) Field Procedures. The following procedures should generally be considered as minimum, but deviations as dictated by specific conditions shall be allowed:

A) Preliminary search and recovery of existing monument evidence.

B) Field location of tract through measurement from some controlling locations, such as: street intersection, subdivision corner, section corners, etc., sufficient to eliminate the possibility of gross error in location of the premises.

C) Through field measurements, locate and dimension relevant improvements.

D) If evidence of deed lines does not exist, the surveyor is obligated to refuse to perform a mortgage inspection until satisfactory evidence is obtained, either through a boundary survey or a land title survey.

E) If evidence exists of the possibility that the improvements on the subject property or adjoining property are on or very near the apparent deed lines, the surveyor is obligated to note his/her findings and recommend that a boundary survey or land title survey be performed.

7) Drawing

A) Minimum size: 8 1/2" x 11".

B) The drawing shall be entitled:

MORTGAGE INSPECTION

THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY

(The above two lines shall be of the same letter size and shall be twice the letter size of all other lettering on the drawing.)

C) A North arrow, scale of drawing, date and drawing legend shall be included.

D) Building dimensions and type of structure shall be shown.

E) Boundary dimensions shown shall be based on the public record or description provided; field measurements do not need to be shown.

F) No dimensional ties from structures or other improvements to apparent deed lines are required.

G) The legal description of the tract shall be given on the face of the drawing.

H) Use of the word "survey" in the title, or any implication in a certification that this drawing represents a "survey", is prohibited.

I) Professional land surveyor seal, signature, date of signing, and license expiration date. The licensee may provide, at his or her sole discretion, an original signature in the licensee's handwriting, a scanned copy of the document bearing an original signature, or a signature generated by a computer.

J) Address of the tract.

K) No found corner, boundary line or other survey monumentation shall be shown on the drawing.

L) Preceding the legal description and in the same size letters as the legal description the following statement shall appear:

"This mortgage inspection and drawing is not a boundary survey or plat of survey. This mortgage inspection was prepared to assist the mortgage company and title insurance company and is not to be used for any purposes

of boundary disputes, location of actual deed, title or platted lines, or for construction of new improvements. Graphic representation shall be deemed approximate and no reliance should be placed on the scale of the drawing."

M) The following statement shall be placed immediately above the signature of the surveyor and in the same size letters as the legal description:

"This professional service conforms to the current Illinois minimum standards of practice for a mortgage inspection and is not a boundary survey."

f) Topographic Surveying and Mapping

1) A topographic survey or topographic map is a delineation of horizontal and/or vertical locations of the existing natural or man-made features of a portion of the earth's surface, subsurface or airspace and the graphic representation of the results of the delineation. Topographic survey and map are defined as below:

A) Topographic Survey

A topographic survey made using accepted terrestrial or GPS surveying methods or using indirect surveying methods such as photogrammetry, light detection and ranging (LIDAR) or unmanned aerial vehicles (UAVs or drones) performed in conjunction with a boundary survey or ALTA/NSPS Land Title Survey depicting land boundaries shall be entitled "Boundary and Topographic Survey" or "ALTA/NSPS Land Title and Topographic Survey", and shall be subject to the current minimum standards established for the ALTA/NSPS Land Title Surveys or Boundary Surveys by this Part, except where differing federal, State or local laws, ordinances or rules may be more stringent.

B) Topographic Map

When topography is acquired using accepted terrestrial or GPS surveying methods, or using indirect surveying methods such as photogrammetry, light detection and ranging (LIDAR) or unmanned aerial vehicles (UAVs or drones) and is not performed in conjunction with a boundary survey or ALTA/NSPS Land Title Survey; boundary lines and boundary data shall be shown as needed/or as deemed necessary by the surveyor. The source of the land boundary information along with the statement that "this professional service does not constitute a boundary survey" shall be shown on the topographic map and placed near the surveyor's certificate and seal.

i) When the position and/or extent of a topographic map is not defined by land boundaries, enough information must be shown on the survey to enable the client to locate the topographic map on the ground.

ii) A licensed professional engineer knowledgeable in topographical mapping may perform a topographic map specific to his/her design project. A licensed professional engineer may not, however, offer topographic mapping services independent of his/her specific design project.

2) Positional Accuracy. The horizontal and vertical positional accuracies for topographic surveys and topographic maps shall be in accordance with the most current model standards for topographic surveys or topographic maps as published by the National Society of Professional Surveyors (NSPS).

3) Information Research Required. Sufficient information to perform the topographic survey or topographic map shall be furnished by the client or his/her agent or obtained by the surveyor by agreement with the client. The following appropriate factors must be evaluated by the surveyor.

A) A specific description of the survey site, along with designated areas outside the actual survey site where topographic information is required.

B) The location, description, datum and elevation of all benchmarks to be used for the survey. The datum should be based on a nationally accepted datum whenever practical, unless instructed otherwise by the client or as mandated by a governmental organization having jurisdiction in the area the survey is located.

C) The location and description of all horizontal control points to be used for the survey.

D) If contour lines are required by the client, the contour interval should be agreed upon by the surveyor and client.

E) Location and elevations of utilities is often an important part of a topographic survey. The surveyor and client shall agree which utilities are to be located and what information on each utility is to be shown.

4) Field Requirements

A) All surveying instruments shall be kept in proper adjustment and calibration.

B) The surveyor may apply procedures that most efficiently meet the requirements of the client without sacrificing the accuracy of the acquired information.

C) All field data, including electronic field notes, shall be retained by the professional land surveyor in a legible and orderly fashion that will be understandable to other surveyors.

5) Plats. On all topographic surveys and topographic maps, the completed plat shall be drawn on a stable and durable medium with a minimum size of 8 1/2" by 11" and shall contain the following:

A) Firm name, address and registration number.

B) Professional land surveyor seal, signature, date of signing, and license expiration date.

C) "This professional service conforms to the current Illinois minimum standards for a topographic survey or topographic map." This statement shall be placed near the professional land surveyor seal and signature.

D) Client's name.

E) North arrow.

F) Date of completion of field work.

G) Scale as agreed upon by surveyor and client.

H) Location and elevation of any reference benchmarks or site benchmarks at or near the survey shall be shown, and the datum noted.

I) Legend for all symbols and abbreviations used on the plat.

J) If elevation points are to be shown, such elevations shall be shown to the nearest one-hundredth of a foot on hard surfaces and to the nearest tenth of a foot elsewhere, unless requested otherwise by the client.

K) Location and description of horizontal control points used in the survey, which shall be noted and shall be shown on the plat as requested by the client.

L) The location of permanent structures, including buildings, retaining walls, bridges, culverts, street or road paving and sidewalks as requested by the client.

M) Existing contour lines indicating the relief of the entire parcel, unless required otherwise by the client. Elevation points may be shown at locations requested by the client.

N) Location and water surface elevations of lakes, rivers, streams and drainage courses on or near the surveyed parcel, and direction of flow if any as requested by the client.

O) If topographic information is to be delivered via electronic media, a suitable format shall be agreed upon with the client. In every case, the surveyor shall also provide a signed and sealed hard copy drawing or representation of the survey. This drawing shall be the official survey and shall be deemed to be correct and superior to the electronic data.

g) Minimum Standards for Writing Parcel Legal Descriptions. A description defining land boundaries written for conveyance or describing the extent of a survey or for other purposes shall be complete, providing definite and unequivocal identification of the property lines or boundaries of a unique parcel. The description shall be sufficient to be platted, located on the ground and, when appropriate, mathematically closed. The description shall commence at or relate to a physically monumented corner or boundary control line of record.

1) If the land is located in a recorded subdivision, the description shall contain the number or other description of the lot, block or other part of the subdivision, or shall describe the parcel by reference to a known corner of the lot, block or other recorded reference.

2) If the parcel is not located within a recorded subdivision, the description shall state the section, township, range, principal meridian and county, and shall describe the parcel by reference to quarter section, quarter-quarter section, government lot, or metes and bounds, beginning/commencing at a physically monumented corner and if possible, referencing an established and monumented line in the United States Public Land Survey System.

3) In any case, when a new description is created or a previous description is rewritten, enough of the original description should be maintained so as to form a trail or chain to honor the calls of the existing parcel description.

4) A description written for other purposes that do not define land boundaries for land conveyances, or describe the extent of a survey, such as descriptions written for leases, easements, zoning, annexation or political boundaries, are not required to relate to a physically monumented corner.

§ 1270.58 - Seal and Signature Requirements

a) Every individual professional land surveyor shall have a reproducible seal or facsimile, which may be computer generated, the impression of which shall contain the name of the land surveyor, his or her place of business, the license number of the professional land surveyor, and the words "Professional Land Surveyor, State of Illinois". A professional land surveyor shall seal all documents prepared by or under the direct supervision and control of the professional land surveyor. Any seal on a plat of survey, which bears the name of a professional design firm, rather than bearing the name of the individual licensed professional land surveyor responsible for the survey, shall be deemed an invalid seal. The individual licensee's written signature and date of signing, along with the date of license expiration, shall be placed adjacent to the seal. The licensee may provide, at his or her sole discretion, an original signature in the licensee's handwriting, a scanned copy of the document bearing an original signature, or a signature generated by a computer.

b) It is unlawful to affix one's seal to documents if doing so masks the true identity of the person who actually exercised direction, control and supervision of the preparation of that work. A Professional Land Surveyor who seals and signs documents is not responsible for damage caused by subsequent changes to or uses of those documents when the subsequent changes or uses, including changes or uses made by State or local government agencies, are not authorized or approved by the Professional Land Surveyor who originally sealed and signed the documents.

c) All technical submissions issued by a land surveying firm, corporation, limited liability company, professional limited liability company, or partnership are required to bear the corporate or assumed business name and design firm registration number, in addition to the seal requirements.

d) A suggested facsimile of the design and lettering of the seal is found in Section 1270.ILLUSTRATION A.

§ 1270.65 - Professional Development

The professional development (PD) required as a condition for license renewal under the Illinois Professional Land Surveyor Act is set forth in this Section. All land surveyors shall meet these requirements.

a) Professional Development Hours Requirements

1) Beginning with the November 30, 2006, renewal and every renewal thereafter, in order to renew a license as a land surveyor, a licensee shall be required to complete 20 professional development hours (PDHs) relevant to the practice of land surveying or be exempt from the professional development requirements as provided in subsection (h). All 20 PDHs may be earned through online programs or courses. Failure to comply with these requirements may result in non-renewal of the land surveyor's license or other disciplinary action, or both. The professional development hours shall be in the following categories:

A) A minimum of 4 hours of programs, courses or activities in the area of State of Illinois statutes and rules that regulate professional land surveyors and surveys.

B) A minimum of 2 hours of programs, courses or activities in the area of professional conduct.

C) A minimum of 14 hours of programs, courses or activities in the area of land surveying or related sciences.

2) Beginning with the November 30, 2020 renewal and every renewal thereafter, the total professional development hours shall include 1 hour of sexual harassment prevention training which shall meet the requirements of Section 1130.400 of the Civil Administrative Code. A licensee completing a course on sexual harassment prevention developed or offered by the Illinois Department of Human Rights [775 ILCS 5], the licensee's employer or an acceptable provider listed within this Section, may count that course toward the 1-hour requirement under this Section.

3) A pre-renewal period is the 24 months preceding November of each even-numbered year.

4) One professional development hour shall equal 50 minutes of instruction or participation. If a program is taken that awards continuing education units (CEU) rather than professional development hours, one continuing education unit equals 10 professional development hours of class in an approved continuing education course.

5) Land surveyors licensed in Illinois but residing and practicing in other states shall comply with the PDH requirements set forth in this Section.

6) Professional development units used to satisfy the PDH requirements of another jurisdiction may be applied to fulfill the PDH requirements of the State of Illinois if they are substantially equivalent.

b) Professional development activities shall include, but not be limited to:

- 1) Successful completion of a college or university course in the area of land surveying, related sciences and surveying ethics. One semester credit hour of course work is equivalent to 15 PDHs and one quarter credit hour of course work is equivalent to 10 PDHs;
- 2) Successful completion of land surveying courses or programs offering professional development hours, including those offered online. Credit will be given for self-study courses only if an examination has been completed by the licensee and graded by the sponsor;
- 3) Active participation and successful completion of land surveying programs, seminars, tutorials, workshops, short courses or in-house courses;
- 4) Attending program presentations at related technical or professional meetings;
- 5) Teaching or Instructing. Teaching or instructing a land surveying course, seminar, lecture, presentation or workshop shall constitute 3 PDH hours for each hour spent in the actual presentation. Teaching credit shall be valid for the initial presentation only. Teaching credit shall not apply to faculty teaching regularly scheduled curriculum courses at a college, university, or other educational institution;
- 6) Authoring papers or articles that appear in nationally circulated journals or trade magazines. Credit is earned in the biennium of publication. A maximum of 5 PDHs per renewal are allowed for this activity.
- 7) Active participation on a professional land surveyor board, committee or holding an office in a professional or technical society.

A) Two PDHs will be awarded per committee membership or office held.

B) A maximum of 8 PDHs may be accepted per pre-renewal period.

c) All programs or courses shall:

- 1) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in the practice of land surveying;
- 2) Foster the enhancement of general or specialized practices and values of land surveying;
- 3) Be developed and presented by persons with education and/or experience in the subject matter of the program; and
- 4) Specify the course objectives and course content.

d) Auditing or Restoration

1) It shall be the responsibility of a licensee to maintain a record of PDHs for 6 years that includes one of the following:

A) Documentation consisting of the following items:

i) The name and address of the sponsor or provider;

ii) A brief statement of the subject matter, printed program schedules, registration receipts or other proof of participation;

iii) Certificate of attendance;

iv) The number of PDHs attended in each program; and

v) The date and place of the program; or

B) Transcripts or records of professional development hours maintained by an acceptable provider as set forth in subsection (e).

2) A log of activities by itself shall not be accepted as meeting the requirements of this subsection.

e) Acceptable providers for structured educational activities shall include, but not be limited to:

1) Illinois Professional Land Surveyor Association;

2) National Council of Examiners for Engineering and Surveying (NCEES);

3) National Society of Professional Land Surveyors;

4) American Society of Civil Engineers (ASCE);

5) Colleges, universities or other educational institutions;

6) Technical or professional societies or organizations relating to professional land surveying.

f) The Division shall not pre-approve individual courses or programs.

g) Certification of Compliance with PD Requirements

1) Each renewal applicant shall certify, on the renewal application, full compliance with the professional development requirements set forth in this Section.

2) The Division may require additional evidence demonstrating compliance with the PD requirements (e.g., certificate of attendance). This additional evidence shall be required in the context of the Division's random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.

3) When there appears to be a lack of compliance with PD requirements, an applicant shall be notified in writing and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100].

4) The Division may conduct random audits to verify compliance with professional development requirements.

h) Waiver of PDH Requirements: A licensee may be exempt from the foregoing professional development requirements if one of the following situations occurs. If an exemption is claimed, it is required that the renewal fee and any documentation needed to support the exemption be submitted for renewal of a license. Waiver requests must be made before the end of the renewal period. Waiver requests sent after the end of the renewal period shall not be considered.

1) A licensee shall not be required to report continuing education hours during the first biennial renewal period in which the licensee obtained initial licensure in Illinois, but shall be subject to the continuing education requirements for all subsequent biennial renewal periods.

2) A licensee who is on full-time active duty in the military service of the United States, or is a licensee who is called to temporary active duty in the military service or Armed Forces of the United States for a period of time exceeding 120 consecutive days during the renewal period, when that activity or location restricts participation in a continuing education program.

3) A licensee who demonstrates to the satisfaction of the Division that meeting these requirements would be an undue hardship by reason of disability, illness, or other clearly mitigating circumstances shall submit supporting documentation.

A) The documentation shall be in the form of a sworn statement by the licensee, statement from a physician, or medical record showing the disability, illness, or circumstance preventing the licensee's participation in the continuing education program during a substantial part of the renewal period.

B) If the Division finds from the evidence that good cause has been shown for non-compliance, the Division may waive enforcement, extend the time within which the applicant shall comply, or establish a particular program or schedule of continuing education for the renewal period in which the undue hardship existed.

C) Consecutive waiver requests made for reasons of disability, illness, or other circumstances may be prima facie evidence for non-renewal of applicant's license based on inability to actively engage in licensed practice.

4) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section, shall be deemed to be in good standing until the final decision on the application is made by the Division.

Chapter 3

Review of Disciplinary Cases

The following disciplinary cases were extracted from enforcement actions published in The Board of Licensure Report, the official quarterly newsletter of the Illinois State Board of Licensure for Professional Engineers and Land Surveyors. The selected cases involve professional land surveyors and illustrate different violations arising from the practice of land surveying in Illinois.

CASE 1: Hylton Donaldson, P.L.S.
License No. 035022819

The Illinois Department of Financial and Professional Regulation found that Mr. Donaldson produced surveys that failed to meet the minimum standards for boundary surveys. The disciplinary action was reported by IDFPR under its Land Surveyor enforcement actions.

Board Decision: The land surveyor license was placed on two-year non-reporting probation and the licensee was fined \$5,000.

CASE 2: John Avampato, P.L.S.
License No. 035001857

The Illinois Department of Financial and Professional Regulation reported disciplinary action against Mr. Avampato for performing a substandard survey. The IDFPR disciplinary report identifies him as a professional land surveyor licensed in Illinois.

Board Decision: The professional land surveyor license was reprimanded for performing a substandard survey.

CASE 3: Andrew Spiewak, P.L.S.
License No. 035003178

The Illinois Department of Financial and Professional Regulation reported disciplinary action against Mr. Spiewak based on the production of an inaccurate survey. The IDFPR enforcement report identifies him as a Chicago land surveyor and lists his Illinois professional land surveyor license number as 035003178.

Board Decision: The land surveyor license was placed in refuse-to-renew status due to the respondent's production of an inaccurate survey.

Appendix A

References

Illinois Administrative Code, Title 68, Part 1270, Illinois Professional Land Surveyor Act Of 1989.

<https://ilga.gov/agencies/JCAR/EntirePart?titlepart=06801270>

IDFPR, Illinois Department of Financial and Professional Regulation. Enforcement Actions:

<https://idfpr.illinois.gov/news/disciplines/discreportsdefault.html>