

March 23, 2012

Donald E. Brand, P.E.
Chief Code Administrator
County Office Building
111 West Chesapeake Avenue, Room 105
Towson, Maryland 21204

Re: Your letter to the State Board for Professional Land Surveyors
dated February 28, 2012

Dear Mr. Brand:

Thank you for your above-referenced inquiry related to, as you stated, "the limits of interplay between registered professional engineers and surveyors regarding the preparation of right-of-way plats."

Both the State Board for Professional Land Surveyors and the State Board for Professional Engineers discussed your inquiry at the March 7, 2012, and March 8, 2012, respective Board meetings. Both Boards noted that "platting or re-platting, establishing or re-establishing, locating or relocating, resetting or resetting the monumentation for boundaries of . . . rights-of-ways" is specifically referred to in Section 15-101 (h) of the Business Occupations and Professions Article, Annotated Code of Maryland, as being within the express scope of the surveyors' license. The same statutory authority also includes within the definition of land surveying "platting, layout, and preparation of surveys, plats, plans and drawings, including ... right-of-way and easement plats...." Finally, both Boards noted references to the specific requirements set forth in the Minimum Standards of Practice, stated in COMAR 09.13.06.09, that apply to the preparation of right-of-way plats by Maryland surveyors.

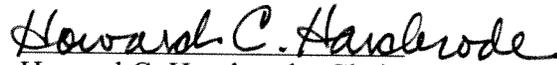
After careful review and consideration, both Boards are in full agreement that the preparation of right-of-way plats falls within the exclusive scope of property line and professional land surveyor's license. Therefore, both Boards appreciate your willingness to change the policy of your office and to limit the acceptance of right-of-way plats to those competently prepared only by licensed Maryland surveyors.

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Thank you very much.



John V. Mettee III, Chair
State Board for Professional
Lands Surveyors



Howard C. Harclerode, Chair
State Board for Professional Engineers



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

February 28, 2012

John V. Mettee, III, Chair
State Board for Professional Land Surveyors
MD Dept. of Labor, Licensing & Regulation
500 N. Calvert Street, 3rd. Floor
Baltimore, Maryland 21202-3651

Re: Request for Advisory Opinion

Dear Mr. Mettee:

This letter follows a meeting held with you and Milena Trust on this date regarding the sealing of right-of-way plats by registered professional engineers as opposed to licensed surveyors and the acceptance of those plats by Baltimore County. Dennis Kennedy, Supervisor of Developer's Plans Review and Amy Grossi, Assistant County attorney assigned to our Department's Real Estate Division, attended the meeting along with me.

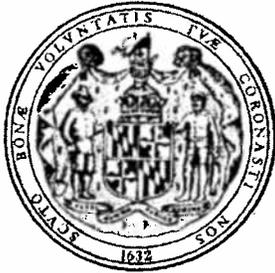
The meeting focused on the interplay between the scope of acceptable practice by both registered surveyors and registered professional engineers and ended with agreement that upon receipt of an advisory opinion from Milena Trust, an Assistant Attorney General assigned to your Board, describing the limits of interplay between registered professional engineers and surveys regarding the preparation of right-of-way plats, the County would modify its procedures for accepting such plats consistent with such opinion.

Therefore, request is made for an opinion describing the limits of interplay between registered professional engineers and surveys regarding the preparation of right-of-way plats.

Very truly yours,

A handwritten signature in cursive script, reading "Donald E. Brand", followed by a horizontal line.

Donald E. Brand, P.E.
Chief Code Administrator



MARYLAND DEPARTMENT OF LABOR,
LICENSING AND REGULATION
500 N. CALVERT STREET, ROOM 308
BALTIMORE, MD 21202
(410) 230-6322

REQUEST FOR ADVISORY OPINION

This form is to be used by local government officials to request a determination of whether or not a licensed design professional is working within his or her scope of practice in accordance with the Maryland law and regulations. Please enclose one set of plans for review.

SECTION I. - SUBMITTER'S INFORMATION

County/Town BALTIMORE COUNTY, MD Date 2/28/2012
Office/Department DEPT. OF PERMITS, APPROVALS AND INSPECTIONS
Address 111 W. CHESAPEAKE AVENUE, RM 105
City TOWSON State MD Zip 21204
Contact Person DONALD BRAND Phone 410-887-4585
E-mail DBRAND@BALTIMORECOUNTYMD.GOV

SECTION II. - LICENSED DESIGN PROFESSIONAL'S INFORMATION

Name: N/A
License Number: _____
Profession: _____

SECTION III. - PROJECT INFORMATION

Professional's or Firm's Name N/A
Address _____
City _____ State _____ Zip _____

Project Name, Address & Description _____

SECTION IV.

A. Basis of Request - Describe the work done by the licensed design professional that is in question. Attach additional pages if necessary.

SEE ATTACHED LETTER TO JOHN V. METTEE, III

B. This inquiry relates to: (Check all boxes that you believe may be involved in the inquiry.)

- State Board of Architects
- State Board for Professional Engineers
- State Board for Professional Land Surveyors
- State Board of Examiners of Landscape Architects
- State Board of Certified Interior Designers

Submit To:
Professional Licensing Boards
500 N. Calvert Street, Rm 308
Baltimore, MD 21202-3651

FOR OFFICE USE:

Date Received _____

File No. _____