

Figure: 22 TAC §139.37(b)

CLASSIFICATION	VIOLATION	CITATION	SUGGESTED SANCTIONS
Surveying Misconduct	Gross negligence	§1071.401(a)(2); §§138.55(a), (b)	Revocation / \$1,500
	Failure to exercise care and diligence in the practice of surveying	§§138.55(b), 138.63(b)(6)	1 year suspension / \$1,000
	Incompetence	§1071.401(a)(2); §§138.59(a), (b); 138.89(b)	3 year suspension / \$1,500
	Misdemeanor or felony conviction without incarceration relating to duties and responsibilities as a professional land surveyor	§139.43(b)	Reprimand / 3 year suspension
	<u>Imprisonment following a felony conviction for an offense related to the duties and responsibilities of a professional land surveyor, an offense listed in Article 42A.054, Code of Criminal Procedure; or a sexually violent offense [Felony conviction with incarceration]</u>	§139.43(a)	Revocation
	<u>Imprisonment following a felony conviction no listed in §139.43(a)</u>	<u>§139.43(a-1)</u>	<u>Suspension or revocation</u>
	Failure to allow LSLs access to County Surveyor Records	§1071.361(a)	1 year suspension / \$1,000
	Failure to comply with any regulations prescribed by the County Surveyor or the commissioner's court for protecting and preserving records	§1071.361(c)	1 year suspension / \$1,500
	LSLS directly or indirectly interested in the purchase or acquisition of title to public land	§1071.401(b)	Revocation / \$1,500
	Failure to use equipment and methods of practice capable of attaining the tolerances specified	§138.83	Reprimand / \$1,000
	Failure to respect junior and senior rights for boundary retracement.	§138.85(1)	1 year suspension / \$1,500
	Failure to follow the footsteps of the original surveyor.	§138.85(2)	1 year suspension / \$1,500
	Failure to rely upon appropriate deeds and/or other documents including those for adjoining parcels, for the location of the boundaries of the subject parcel(s).	§138.85(3)(A)	1 year suspension / \$1,500

	Failure to assume the responsibility for such research of adequate thoroughness to support the determination of the location of intended boundaries of the land parcel surveyed.	§138.85(3)(B)	1 year suspension / \$1,500
	Failure to connect all boundaries to identifiable physical monuments related to corners of record dignity. In the absence of such monumentation, failure to report the surveyor's opinion of the boundary location by other appropriate physical evidence.	§138.85(3)(C)	1 year suspension / \$1,500
	Failure to cite a reference on the drawing and the prepared description to the record instrument that defines the location of adjoining boundaries, if appropriate.	§138.85(3)(D)	1 year suspension / \$1,500
	Failure to follow the intent of the boundary location as evidenced by the record.	§138.85(4)	1 year suspension / \$1,500
	Failure to respect the proper application of the rules of dignity (priority) of calls, and applicable statutory and case law of Texas.	§138.85(5)	1 year suspension / \$1,500
	Failure to set monuments at sufficient depths to retain a stable and distinctive location or be of sufficient size to withstand the deteriorating forces of nature or be of such material that in the surveyor's judgment will best achieve this goal.	§138.87(a)	1 year suspension / \$1,500
	Failure to set, or leave as found, an adequate quantity of monuments of a stable and reasonably permanent nature to represent or reference the property or boundary corners. Failure to show and describe survey markers with sufficient evidence of the location of such markers on the surveyors' drawing, written description or report.	§138.87(b)	1 year suspension / \$1,500
	Failure to tie corners of record to the boundary of the affected tract in metes and bounds descriptions prepared to be used in easements.	§138.87(c)	1 year suspension / \$1,500
	Failure to mark, in a way that is traceable to the responsible registrant or associated employer, all monuments set.	§138.87(d)	1 year suspension / \$1,500
	Failure of registrant/licensee to ensure that document complies with all standards certified to.	§138.89(a)	1 year suspension / \$1,500

	Failure to delineate the relationship between record monuments and the location of boundaries surveyed. Failure to show such relationship on the survey plat, if a plat is prepared, and/or separate report and failure to recite such in the description with the appropriate record referenced thereon and therein.	§138.91(a)	1 year suspension / \$1,500
	Failure to provide a definite and unambiguous identification of the location of boundaries and describe all monuments found or placed for descriptions prepared for defining boundaries.	§138.91(b)	1 year suspension / \$1,500
	Failure to reference courses by notation upon the survey drawing to an identifiable and monumented line or an established geodetic system for directional control.	§138.91(c)	1 year suspension / \$500
	Failure to note and describe, upon the survey drawing, which boundary monuments were found or placed by the surveyor and failure to note other monuments of record dignity relied upon to establish the corners of the property surveyed.	§138.91(e)	1 year suspension / \$1,500
	If any report consists of more than one part, failure to note the existence of the other part or parts.	§138.91(f)	Reprimand / \$500
	If a written narrative is prepared in lieu of a drawing / sketch to report the results of a survey, and there is a failure to contain sufficient information to demonstrate the survey was conducted in compliance with the Surveying Act and rules.	§138.91(g)	1 year suspension / \$1,500
	Failure to apply and adhere to the rules of the board when establishing or delineating the perimeter boundary of the proposed subdivision.	§138.93	1 year suspension / \$1,500
	Falsifying the purpose of a metes and bounds description when preparing a description for a political subdivision	§138.95(1)	1 year suspension / \$1,500
	Preparing a description for a political subdivision that is ambiguous and non-locatable on the ground by ordinary surveying procedures	§138.95(2)	1 year suspension / \$1,500
	Failure to ensure record monuments or physical monuments called for in the description prepared for a political subdivision	§138.95(3)	1 year suspension / \$1,500

	Failure to perform an on the ground survey for any course and distance recited in the description when such is not referenced in a recited record.	§138.95(4)	1 year suspension / \$1,500
	Failure to place the required notation on descriptions prepared for political subdivisions.	§138.95(5)	Reprimand / \$500
Licensing and Registration	Fraud or deceit in obtaining a registration or license	§1071.401(a)(1)	Revocation / \$1,500
	Retaliation against a reference provider	§138.63(c)(2)	1 year suspension / \$1,000
	Enter into a business relationship which is in violation of 138.77 (Firm Compliance)	§138.51(d),	1 year suspension / \$500
Ethics Violations	Failure to engage in professional and business activities related to the practice of surveying in an honest and ethical manner	§138.63(a)	2 year suspension / \$1,500
	Misrepresentation; issuing oral or written assertions in the practice of surveying that are fraudulent or deceitful	§§138.57(a)(1), (2)	2 year suspension / \$1,500
	Misrepresentation; issuing oral or written assertions in the practice of surveying that are misleading	§138.57(a)(3)	1 year suspension / \$1,000
	Conflict of interest	§§138.57(c), (d)	2 year suspension / \$1,500
	Inducement to secure specific surveying work or assignment	§138.63(c)(3)	2 year suspension / \$1,500
	Accept compensation from more than one party for services on the same project	§138.63(c)(4)	2 year suspension / \$1,000
	Solicit professional employment in any false or misleading advertising	§138.63(c)(5)	1 year suspension / \$1,000
	Offer or practice surveying while license or registration is expired or inactive	§§138.7(a) and 138.13(a) and (h)	1 year suspension / \$500
	Failure to act as a faithful agent to their employers or clients	§138.63(b)(4)	1 year suspension / \$1,000
	Reveal confidences and private information	§§138.61(a), (b), (c)	Reprimand / \$1,000
	Retaliation against a complainant	§138.63(c)(2)	1 year suspension / \$1,000

	Aiding and abetting unlicensed practice or other assistance	§§138.63(b)(3), 138.63(c)(1)	3 year suspension / \$1,500
	Failure to report violations of others	§138.55(c)	Reprimand / \$1,000
	Failure to prevent violation of laws, code, or ordinances	§138.63(b)(1), (2)	Reprimand/ \$1,000
	Failure to conduct surveying and related business in a manner that is respectful of the client, involved parties and employees	§138.63(b)(5)	1 year suspension / \$1,000.00
	Competitive bidding with governmental entity	§138.53	Reprimand / \$2,500.00
	Falsifying documentation to demonstrate compliance with CEP	§§138.17(p)(2), (3), 138.63(a)	2 year suspension / \$1,000.00
	Action in another jurisdiction	§138.65(a) and (b)	Similar sanction as listed in this table if action had occurred in Texas
Improper use of Seal	Failure to safeguard seal and/or electronic signature	§138.33(d)	Reprimand / \$500
	Failure to sign, seal, date, include caveat, or include firm identification on work	§§138.33(e), (f), (h), (m), 138.35(a), (b); 138.91(d)	Reprimand / \$500
	Sealing work not performed or directly supervised by the professional surveyor	§§1071.351(d), 138.33(b)	Reprimand / \$1,000
	Practice or affix seal with expired or inactive license or registration	§§138.13(h), 138.37(a)(2)	1 year suspension / \$500
	Practice or affix seal with suspended license or registration	§138.12, §138.37(a)(2)	Revocation / \$1,500
	Preprinting of blank forms with surveyor seal; use of a decal or other seal replicas	§138.31(e)	1 year suspension / \$1,000
	Sealing work endangering the public	§138.37(a)(1)	Revocation / \$1,500
	Work performed by more than one surveyor not attributed to each surveyor	§138.33(g)	Reprimand / \$500
	Improper use of work product of others	§138.33(c)	Reprimand / \$500
	Use of non-compliant seal	§§138.31, 138.33(o)	Reprimand / \$250.00
Administrative	Failure to report: change of address or employment, or of any criminal convictions, or legal name change	§§138.5(a), (b), and/or (c)	Reprimand / \$150
	Failure to respond to board communications	§138.51(c)	Reprimand / \$500

	Failure to include “inactive” or “retired” representation with title while in inactive status	§138.13(f)	Reprimand / \$500
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