

Figure: 22 TAC §139.37(b)

<u>CLASSIFICATION</u>	<u>VIOLATION</u>	<u>CITATION</u>	<u>SUGGESTED SANCTIONS</u>
<u>Surveying Misconduct</u>	<u>Gross negligence</u>	<u>§1071.401(a)(2); §§138.55(a), (b)</u>	<u>Revocation / \$1,500</u>
	<u>Failure to exercise care and diligence in the practice of surveying</u>	<u>§§138.55(b), 138.63(b)(6)</u>	<u>1 year suspension / \$1,000</u>
	<u>Incompetence</u>	<u>§1071.401(a)(2); §§138.59(a), (b); 138.89(b)</u>	<u>3 year suspension / \$1,500</u>
	<u>Misdemeanor or felony conviction without incarceration relating to duties and responsibilities as a professional land surveyor</u>	<u>§139.43(b)</u>	<u>Reprimand / 3 year suspension</u>
	<u>Felony conviction with incarceration</u>	<u>§139.43(a)</u>	<u>Revocation</u>
	<u>Failure to allow LSLs access to County Surveyor Records</u>	<u>§1071.361(a)</u>	<u>1 year suspension / \$1,000</u>
	<u>Failure to comply with any regulations prescribed by the County Surveyor or the commissioner's court for protecting and preserving records</u>	<u>§1071.361(c)</u>	<u>1 year suspension / \$1,500</u>
	<u>LSLs directly or indirectly interested in the purchase or acquisition of title to public land</u>	<u>§1071.401(b)</u>	<u>Revocation / \$1,500</u>
	<u>Failure to use equipment and methods of practice capable of attaining the tolerances specified</u>	<u>§138.83</u>	<u>Reprimand / \$1,000</u>
	<u>Failure to respect junior and senior rights for boundary retracement.</u>	<u>§138.85(1)</u>	<u>1 year suspension / \$1,500</u>
	<u>Failure to follow the footsteps of the original surveyor.</u>	<u>§138.85(2)</u>	<u>1 year suspension / \$1,500</u>
	<u>Failure to rely upon appropriate deeds and/or other documents including those for adjoining</u>	<u>§138.85(3)(A)</u>	<u>1 year suspension / \$1,500</u>

	<u>parcels, for the location of the boundaries of the subject parcel(s).</u>		
	<u>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.</u>	<u>§138.85(3)(B)</u>	<u>1 year suspension / \$1,500</u>
	<u>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.</u>	<u>§138.85(3)(C)</u>	<u>1 year suspension / \$1,500</u>
	<u>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.</u>	<u>§138.85(3)(D)</u>	<u>1 year suspension / \$1,500</u>
	<u>Failure to follow the intent of the boundary location as evidenced by the record.</u>	<u>§138.85(4)</u>	<u>1 year suspension / \$1,500</u>
	<u>Failure to respect the proper application of the rules of dignity (priority) of calls, and applicable statutory and case law of Texas.</u>	<u>§138.85(5)</u>	<u>1 year suspension / \$1,500</u>
	<u>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.</u>	<u>§138.87(a)</u>	<u>1 year suspension / \$1,500</u>
	<u>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</u>	<u>§138.87(b)</u>	<u>1 year suspension / \$1,500</u>

	<u>markers with sufficient evidence of the location of such markers on the surveyors' drawing, written description or report.</u>		
	<u>Failure to tie corners of record to the boundary of the affected tract in metes and bounds descriptions prepared to be used in easements.</u>	<u>§138.87(c)</u>	<u>1 year suspension / \$1,500</u>
	<u>Failure to mark, in a way that is traceable to the responsible registrant or associated employer, all monuments set.</u>	<u>§138.87(d)</u>	<u>1 year suspension / \$1,500</u>
	<u>Failure of registrant/licensee to ensure that document complies with all standards certified to.</u>	<u>§138.89(a)</u>	<u>1 year suspension / \$1,500</u>
	<u>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.</u>	<u>§138.91(a)</u>	<u>1 year suspension / \$1,500</u>
	<u>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.</u>	<u>§138.91(b)</u>	<u>1 year suspension / \$1,500</u>
	<u>Failure to reference courses by notation upon the survey drawing to an identifiable and monumented line or an established geodetic system for directional control.</u>	<u>§138.91(c)</u>	<u>1 year suspension / \$500</u>
	<u>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.</u>	<u>§138.91(e)</u>	<u>1 year suspension / \$1,500</u>

	<u>If any report consists of more than one part, failure to note the existence of the other part or parts.</u>	<u>§138.91(f)</u>	<u>Reprimand / \$500</u>
	<u>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.</u>	<u>§138.91(g)</u>	<u>1 year suspension / \$1,500</u>
	<u>Failure to apply and adhere to the rules of the board when establishing or delineating the perimeter boundary of the purposed subdivision.</u>	<u>§138.93</u>	<u>1 year suspension / \$1,500</u>
	<u>Falsifying the purpose of a metes and bounds description when preparing a description for a political subdivision</u>	<u>§138.95(1)</u>	<u>1 year suspension / \$1,500</u>
	<u>Preparing a description for a political subdivision that is ambiguous and non-locatable on the ground by ordinary surveying procedures</u>	<u>§138.95(2)</u>	<u>1 year suspension / \$1,500</u>
	<u>Failure to ensure record monuments or physical monuments called for in the description prepared for a political subdivision</u>	<u>§138.95(3)</u>	<u>1 year suspension / \$1,500</u>
	<u>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.</u>	<u>§138.95(4)</u>	<u>1 year suspension / \$1,500</u>
	<u>Failure to place the required notation on descriptions prepared for political subdivisions.</u>	<u>§138.95(5)</u>	<u>Reprimand / \$500</u>
<u>Licensing and Registration</u>	<u>Fraud or deceit in obtaining a registration or license</u>	<u>§1071.401(a)(1)</u>	<u>Revocation / \$1,500</u>
	<u>Retaliation against a reference provider</u>	<u>§138.63(c)(2)</u>	<u>1 year suspension / \$1,000</u>

	<u>Enter into a business relationship which is in violation of 138.77 (Firm Compliance)</u>	<u>§138.51(d),</u>	<u>1 year suspension / \$500</u>
<u>Ethics Violations</u>	<u>Failure to engage in professional and business activities related to the practice of surveying in an honest and ethical manner</u>	<u>§138.63(a)</u>	<u>2 year suspension / \$1,500</u>
	<u>Misrepresentation; issuing oral or written assertions in the practice of surveying that are fraudulent or deceitful</u>	<u>§§138.57(a)(1), (2)</u>	<u>2 year suspension / \$1,500</u>
	<u>Misrepresentation; issuing oral or written assertions in the practice of surveying that are misleading</u>	<u>§138.57(a)(3)</u>	<u>1 year suspension / \$1,000</u>
	<u>Conflict of interest</u>	<u>§§138.57(c), (d)</u>	<u>2 year suspension / \$1,500</u>
	<u>Inducement to secure specific surveying work or assignment</u>	<u>§138.63(c)(3)</u>	<u>2 year suspension / \$1,500</u>
	<u>Accept compensation from more than one party for services on the same project</u>	<u>§138.63(c)(4)</u>	<u>2 year suspension / \$1,000</u>
	<u>Solicit professional employment in any false or misleading advertising</u>	<u>§138.63(c)(5)</u>	<u>1 year suspension / \$1,000</u>
	<u>Offer or practice surveying while license or registration is expired or inactive</u>	<u>§§138.7(a) and 138.13(a) and (h)</u>	<u>1 year suspension / \$500</u>
	<u>Failure to act as a faithful agent to their employers or clients</u>	<u>§138.63(b)(4)</u>	<u>1 year suspension / \$1,000</u>
	<u>Reveal confidences and private information</u>	<u>§§138.61(a), (b), (c)</u>	<u>Reprimand / \$1,000</u>
	<u>Retaliation against a complainant</u>	<u>§138.63(c)(2)</u>	<u>1 year suspension / \$1,000</u>
	<u>Aiding and abetting unlicensed practice or other assistance</u>	<u>§§138.63(b)(3), 138.63(c)(1)</u>	<u>3 year suspension / \$1,500</u>
	<u>Failure to report violations of others</u>	<u>§138.55(c)</u>	<u>Reprimand / \$1,000</u>

	<u>Failure to prevent violation of laws, codes, or ordinances</u>	<u>§§138.63(b)(1), (2)</u>	<u>Reprimand / \$1,000</u>
	<u>Failure to conduct surveying and related business in a manner that is respectful of the client, involved parties and employees</u>	<u>§138.63(b)(5)</u>	<u>1 year suspension / \$1,000</u>
	<u>Competitive bidding with governmental entity</u>	<u>§138.53</u>	<u>Reprimand / \$1,000</u>
	<u>Falsifying documentation to demonstrate compliance with continuing education requirements</u>	<u>§§138.17(p)(2), (3), 138.63(a)</u>	<u>2 year suspension / \$1,500</u>
	<u>Action in another jurisdiction</u>	<u>§§138.65(a) and (b)</u>	<u>Similar sanction as listed in this table if action had occurred in Texas</u>
<u>Improper use of Seal</u>	<u>Failure to safeguard seal and/or electronic signature</u>	<u>§138.33(d)</u>	<u>Reprimand / \$500</u>
	<u>Failure to sign, seal, date, include caveat, or include firm identification on work</u>	<u>§§138.33(e), (f), (h), (m), 138.35(a), (b); 138.91(d)</u>	<u>Reprimand / \$500</u>
	<u>Sealing work not performed or directly supervised by the professional surveyor</u>	<u>§138.33(b)</u>	<u>Reprimand / \$1,000</u>
	<u>Practice or affix seal with expired or inactive license or registration</u>	<u>§§1071.263(a), 138.13(h), 138.37(a)(2)</u>	<u>1 year suspension / \$500</u>
	<u>Practice or affix seal with suspended license or registration</u>	<u>§138.37(a)(2)</u>	<u>Revocation / \$1,500</u>
	<u>Preprinting of blank forms with surveyor seal; use of a decal or other seal replicas</u>	<u>§138.31(e)</u>	<u>1 year suspension / \$1,000</u>
	<u>Sealing work endangering the public</u>	<u>§138.37(a)(1)</u>	<u>Revocation / \$1,500</u>
	<u>Work performed by more than one surveyor not attributed to each surveyor</u>	<u>§138.33(g)</u>	<u>Reprimand / \$500</u>
	<u>Improper use of work product of others</u>	<u>§138.33(c)</u>	<u>Reprimand / \$500</u>
<u>Administrative</u>	<u>Failure to return seal imprint and/or portrait</u>	<u>§§134.97(d), (e); 138.31(a)</u>	<u>Reprimand / \$250</u>

	<u>Failure to report: change of address or employment, or of any criminal convictions, or legal name change</u>	<u>§§138.5(a), (b), and/or (c)</u>	<u>Reprimand / \$150</u>
	<u>Failure to respond to board communications</u>	<u>§138.51(c)</u>	<u>Reprimand / \$500</u>
	<u>Failure to include “inactive” or “retired” representation with title while in inactive status</u>	<u>§138.13(f)</u>	<u>Reprimand / \$500</u>