

Ohio State Board of Registration for Professional Engineers and Surveyors

Advisory Opinion Regarding the Supervision of Surveying in the County Tax Map Office

May 24, 2012

The Ohio State Board of Registration for Professional Engineers and Surveyors has been asked to determine if the transfer of the operations of the county tax map office from the county engineer to the county auditor violates Ohio Revised Code 4733. The Ohio General Assembly created the State Board of Registration for Professional Engineers and Surveyors in 1933 to regulate the professions of engineering and surveying in the State of Ohio. With that authority comes the task of determining what constitutes the practice of engineering or surveying. This Policy Advisory Opinion only relates to R.C. 4733 and does not address the funding of the tax map offices which falls outside the jurisdiction of this Board. The use and application of restricted public funding is a legal matter that requires appropriate professional guidance.

Ohio Revised Code 325.14 states:

“The engineer shall be the county tax map draftsperson, but shall receive no additional compensation for performing the duties of that position.”

Ohio Revised Code 5713.09 states:

“The board of county commissioners may designate the county engineer to provide for making, correcting, and keeping up to date a complete set of tax maps of the county, and shall employ the necessary number of assistants. Such maps shall show all original lots and parcels of land, and all divisions, subdivisions, and allotments thereof, with the name of the owner of each original lot or parcel and of each division, subdivision, or lot, all new divisions, subdivisions, or allotments made in the county, all transfers of property, showing the lot or parcel of land transferred, the name of the grantee, and the date of the transfer so that such maps shall furnish the county auditor, for entering on the tax duplicate, a correct and proper description of each lot or parcel of land offered for transfer. Such maps shall be for the use of the county board of revision and the auditor, and shall be kept in the office of the auditor.”

Ohio Revised Code 5713.10 states:

“The county engineer shall appoint the necessary draftsmen and fix the salary thereof, subject to the approval of the board of county commissioners. The salaries of the assistants shall be paid out of the county treasury in the same manner as the salaries of other county officers are paid.”

The following definitions of surveying are pertinent to this discussion.

Ohio Revised Code 4733.01 defines the practice of surveying:

(F) “Practice of surveying” means any professional service that requires the application of special knowledge of the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for the adequate performance of the art of surveying, including, but not limited to, measuring the area or the contours of any

portion of the earth's surface, the lengths and directions of the bounding lines, and the contour of the surface, for their correct determination and description and for conveyancing for recording, or for the establishment or re-establishment of land boundaries and the platting of lands and subdivisions; and like measurements and operations involved in the surveying of mines, commonly known as "mine surveying."

Ohio Administrative Code 4733-31-01 further defines the practice of surveying:

(A) Surveying shall mean any professional service performed for the purpose of determining land areas, the monumenting of property boundaries, the platting and layout of lands and sub-divisions thereof, including the topography, the alignment and the preliminary grades of streets, the preparation of: maps, record plats, field note records and property descriptions representing such surveys.

(B) The adequate performance of such work involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences and the relevant requirements of law for adequate evidence to the act of measuring, and locating lines, angles, elevations, natural and man-made features in the air, on the surface of the earth, within underground workings, and on the beds of bodies of water.

The issue before the Board is not whether or not it is a violation of R.C. 4733 to transfer the tax map office from the county engineer to the county auditor. The issue before the Board is if the operations of the tax map office can legally be transferred from the county engineer's office to the county auditor's office, which duties performed in a typical tax map office fall under the definition of surveying and must be performed under the direct supervision of a professional surveyor pursuant to R.C. 4733. By removing the supervision of the tax map office from the county engineer, who is required by law to be a registered professional surveyor, to the county auditor, the law prohibits the county auditor, unless also registered as a professional surveyor, from performing surveying activities unless a registered professional surveyor is hired to supervise and oversee the tax map office's surveying duties.

Consider the following:

1. Tax Maps are based on the original land subdivisions in which the county engineer, as a licensed professional surveyor, is charged with maintaining.
2. A professional surveyor is required to properly evaluate deeds for all tax mapping. The integrity of the tax map is based on the professional surveyor's knowledge, evaluation and interpretation of the deeds of property transfer as they progress through the tax map office.
3. Conveyance standards enacted by each county are based on the minimum standards for boundary surveys, and only a professional surveyor can fully evaluate, and enforce under their direction and professional knowledge, the said minimum standards for boundary surveys.

4. The base maps for all GIS applications are based on accurate ground control which should be performed under the direction of a professional surveyor.
5. The conveyance of real property should be reviewed by a professional surveyor for the protection of the general public.
6. Additional property disputes and litigation may occur if a professional surveyor is not involved, or if professional surveyor management is not occurring, in the process of the transfer of property deeds. The professional practice of surveying through licensure assures that non-professionals are not making interpretive decisions about property boundaries and property ownership title.
7. Various professions, (real estate, legal and surveying), rely upon a professional surveyor's expertise to help guide them on issues involved in the description and transfer of real estate. Most of the time when this help is requested, there is a survey plat and/or legal description that requires some type of interpretation.
8. The survey professionals in a county rely on the tax map department to help them find solutions to boundary surveys. Surveyors will come in to the tax map office and request a professional opinion on a survey they are trying to complete. When they do this they usually just want a second opinion. This expertise is very important as it relates to property corner monumentation and property line interpretation.
9. The general public will also contact the tax map department and wish to talk to someone about a survey that has been completed by a private surveyor. Staff will put them in contact with the county engineer, as a licensed professional surveyor, or with another licensed professional surveyor on staff, in order to properly evaluate their concerns. The licensed professional surveyor will try to educate the public about the practice of surveying and make them aware of the many different factors that need to be considered to actually establish the boundary lines and property corners. This usually gives the parties involved some assurance that the survey affecting their property has been completed properly. It also tends to forestall a rush to an attorney when another professional explains some of the dynamics of a property survey.

As noted above, the practice of surveying is not restricted to the "field work" required to perform a survey or prepare a deed description. The practice of surveying includes the technical review of the work product prepared by the professional surveyor as well as the process of performing a technical review of the survey plat or deed description and directing the professional surveyor who authored the work product to make technical changes based on the review. A registered professional surveyor must supervise the review and approval of all survey plats and deed descriptions to assure compliance with minimum boundary survey and conveyance standards. In order for the professional surveyor to be considered in a supervisory position the professional surveyor must oversee all technical staff engaged in surveying activities and have direct supervisory control and responsibility for all surveying activities and decisions coming from that office.

If the county auditor's staff performs tasks that fall within the definition of surveying, then they must be supervised by a professional surveyor. When decisions are made and direction is given which requires

the utilization of special knowledge and skills required of a professional surveyor through education, experience, and examination, then the directions and decisions must be done under the direct supervision of a registered professional surveyor.