

CHAPTER Lan 100 DEFINITIONS, ORGANIZATION AND PUBLIC INFORMATION

PART Lan 101 PURPOSE AND SCOPE

Lan 101.01 Purpose and Scope. The rules of this title implement the statutory responsibilities of the New Hampshire board of licensure for land surveyors created by RSA 310-A:53. These provisions regulate but are not limited to the licensing of land surveyors and the practice of land surveying in the state of New Hampshire.

Source. #2386, eff 6-16-83; ss by #3030, eff 5-28-85; ss by #5555, eff 1-15-93; ss by #5934, eff 12-9-94, EXPIRED: 12-9-00

New. #7425, INTERIM, eff 1-13-01, EXPIRED: 7-12-01

New. #7547, eff 8-25-01

PART Lan 102 DEFINITIONS

Lan 102.01 Terms Used. As used in these rules, the following terms shall have the meanings indicated:

(a) "Board" means the New Hampshire board of licensure for land surveyors created by RSA 310-A:53.

(b) "Board administrator" means the board's staff director, a person with delegated authority to perform administrative and clerical functions for the board.

(c) "Certificate of authorization" means, certificate of authorization as defined in RSA 310-A:54, I-b namely, "any certificate issued by the board to a business organization to engage in the practice land surveying."

(d) "Land surveyor" means, land surveyor as defined in RSA 310-A:54, II namely " a professional specialist in the techniques of measuring land, educated in the basic principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for adequate evidence and all requisite to the surveying of real property and engaged in the practice of land surveying as herein defined."

(e) "Land surveyor-in-training" means land surveyor-in-training as defined in RSA 310-A:54, III namely "a candidate for licensure as a land surveyor who, prior to completion of the requisite years of experience in surveying work provided in RSA 310-A:63, has met the preliminary requirements for licensure as a land surveyor, and has been issued a certificate by the board stating that such candidate is a land surveyor-in-training."

(f) "Land Surveyor Retired" The term "land surveyor retired" shall mean a person who has been licensed as a land surveyor by the board and who chooses to relinquish or not to renew a license and who applies for the honorary status of "land surveyor, retired."

(g) "Practice of land surveying" means, practice of land surveying as defined in RSA 310-A:53, IV, namely "any service or work, the adequate performance of which 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 for the purpose of determining areas and volumes, for the monumenting of property boundaries and for the platting and layout of lands and subdivisions of land, including the topography, alignment, and grades of streets and for the preparation and perpetuation of maps, record plats, field note records and property descriptions that represent these surveys."

Source. #5934, eff 12-9-94, EXPIRED: 12-9-00

New. #7425, INTERIM, eff 1-13-01, EXPIRED: 7-12-01

New. #7547, eff 8-25-01

PART Lan 103 BOARD ORGANIZATION

Lan 103.01 Duties and Responsibilities. The board shall administer the provisions of RSA 310-A:53-74 which include but are not limited to safeguarding property, to promoting public welfare and maintaining a high standard of integrity, skills and practice in the profession of land surveying in this state.

Source. #5934, eff 12-9-94, EXPIRED: 12-9-00

New. #7425, INTERIM, eff 1-13-01, EXPIRED: 7-12-01

New. #7547, eff 8-25-01

Lan 103.02 Composition of the Board. The board shall consist of 5 members who meet the eligibility requirements of RSA 310-A:55.

Source. #5934, eff 12-9-94, EXPIRED: 12-9-00

New. #7425, INTERIM, eff 1-13-01, EXPIRED: 7-12-01

New. #7547, eff 8-25-01

Lan 103.03 The Chairperson and Vice Chairperson. The chairperson shall preside at all meetings. In the absence of the chairperson, the vice-chairperson shall preside.

Source. #7547, eff 8-25-01

Lan 103.04 Staff. The board shall designate a board administrator and such other staff members as are necessary to perform the record-keeping and other statutory functions of the board and to oversee the board's day-to-day operations.

Source. #7547, eff 8-25-01

Lan 103.05 Organization. Beginning with the regular meeting in October and annually thereafter, the board shall meet and organize and, by election from among its members, select a chairperson, vice-chairperson and secretary.

Source. #7547, eff 8-25-01

Lan 103.06 Seal. The seal of the board shall be an embossed circular seal consisting of 2 concentric circles, the outer circle having a diameter of 2 inches and an inner circle having a diameter of 1.7 inches. In the space between the 2 circles there shall be the words "Board of Licensure for Land Surveyors". At the top of the seal, inside of the inner circle, shall be the words "New Hampshire." In the center space there shall be a representation of the Old Man of the Mountain.

Source. #7547, eff 8-25-01

Lan 103.07 Office Hours, Office Location, Mailing Address and Telephone.

(a) The board's office shall be located at the New Hampshire Office of Professional Licensure and Certification, 121 South Fruit Street, Concord, N.H. and shall be open to the public weekdays, excluding holidays, from 8:00 a.m. to 4:00 p.m.

(b) Correspondence shall be addressed to the board's administrator at:

New Hampshire Office of Professional Licensure and Certification
121 South Fruit Street
Concord, N.H. 03301

Source. #7547, eff 8-25-01; ss by #12029, eff 11-1-16

PART Lan 104 PUBLIC INFORMATION

Lan 104.01 Record of Board Actions. Minutes shall be kept of board meetings and of official actions taken by the board. Minutes of board actions which are not confidential under RSA 91-A:3, II or RSA 91-A:5 shall be governmental records and shall be available for inspection during the board's ordinary office hours within 5 days from the close of the meeting or vote in questions unless the 72 hours availability requirement of RSA 91-A:3, III is applicable.

Source. #5934, eff 12-9-94, EXPIRED: 12-9-00

New. #7425, INTERIM, eff 1-13-01, EXPIRED: 7-12-01

New. #7547, eff 8-25-01; ss by #12029, eff 11-1-16

Lan 104.02 Custodian of Records. Persons desiring copies or board records shall submit a request which identifies as particularly as possible the information being sought and agrees to pay the actual costs incurred by the board for the documents provided. If records are requested which contain both public and confidential information, the board shall delete the confidential information and provide the remaining information.

Source. #7547, eff 8-25-01

Lan 104.03 Roster Distribution. Copies of a roster containing names, addresses, and assigned numbers of licensed land surveyors shall be furnished upon request. The fee shall be \$10.00.

Source. #7547, eff 8-25-01

PART Lan 105 MEETINGS, DELIBERATIONS AND DECISIONS

Lan 105.01 Meetings. Regular meetings shall be held at least 4 times each year. Special meetings shall be called by order of the chairperson or secretary. Each member of the board shall be notified in writing of each meeting and such notice shall contain the place, date, time, and subject of the meeting. Notice of meetings shall be posted at the board office and the state house.

Source. #5934, eff 12-9-94, EXPIRED: 12-9-00

New. #7425, INTERIM, eff 1-13-01, EXPIRED: 7-12-01

New. #7547, eff 8-25-01

Lan 105.02 Quorum. A quorum of the board shall consist of not less than 3 members and a majority vote by the members present shall be necessary to pass a motion unless otherwise specified by law. In the absence of the chair, vice chair, or secretary, the chair shall designate a pro tempore officer for the officer or officers absent.

Source. #7547, eff 8-25-01

Lan 105.03 Board Meeting Procedures. The board shall conduct its meetings in the following order:

- (a) Acceptance of the agenda;
- (b) Reading of the minutes;

- (c) Interviews/meetings;
- (d) Reading of communications;
- (e) Reading and consideration of applications;
- (f) Unfinished business;
- (g) New business; and
- (h) Adjournment.

Source. #7547, eff 8-25-01

Lan 105.04 Procedures. Roberts Rules of Order, 9th edition dated 1990 shall govern the procedures of the board.

Source. #7547, eff 8-25-01

Lan 105.05 Tentative Decisions.

(a) When necessary to conduct the board's business in a timely and efficient manner, the board shall instruct its staff or a committee of the board to prepare a draft document, subject to subsequent review and approval by the board. Such instructions shall be known as tentative decisions.

(b) Tentative decisions shall not be final actions, and shall not be binding upon the board. Changes in the form or the substance of a tentative decision shall be made as often as necessary to produce a final document, which satisfactorily sets forth the final result the board intends to reach. The board's final decision shall be issued only when the necessary majority has voted in favor of the final form of the proposed action, allowing time for printing or servicing the document in question.

Source. #7547, eff 8-25-01

PART Lan 106 APPOINTMENT OF COMMITTEES

Lan 106.01 Committees.

(a) A committee shall consist of one or more of board members who have been directed by the board to investigate and make recommendations on matters which could be handled by the full board.

(b) When expressly authorized by the board, the authority of a committee shall include:

- (1) The retention of voluntary assistance from qualified non-board members; and
- (2) The retention of paid advisors or consultants pursuant to RSA 332:G-3.

Source. #5934, eff 12-9-94, EXPIRED: 12-9-00

New. #7425, INTERIM, eff 1-13-01, EXPIRED: 7-12-01

New. #7547, eff 8-25-01

CHAPTER Lan 200 PRACTICE AND PROCEDURE

PART Lan 201 PURPOSE AND SCOPE

Lan 201.01 Purpose and Scope. The board shall conduct various proceedings for the purpose of acquiring sufficient information to make fair and reasoned decisions on matters within its statutory jurisdiction, including decisions on applications for licensure and complaints filed against licensees and others in the practice of land surveying. These rules are intended to secure the just, efficient and accurate resolution of all board proceedings.

Source. #2386, eff 6-16-83; ss by #3030, eff 5-28-85; ss by #5555, eff 1-15-93; ss by #5934, eff 12-9-94, EXPIRED: 12-9-00

New. #7425, INTERIM, eff 1-13-01, EXPIRED: 7-12-01

New. #7548-A, eff 8-25-01

PART Lan 202 DEFINITIONS

Lan 202.01 Purpose and Scope.

(a) "Appearance" means a written notification to the board that a party or a party's representative intends to actively participate in a hearing.

(b) "Hearing" means "adjudicative proceeding" as defined by RSA 541-A:1, I, namely, "the procedure to be followed in contested cases, as set forth in RSA 541-A:31 through RSA 541-A:36."

(c) "Motion" means a request to the presiding officer for an order or ruling directing some act to be done in favor of the party making the motion, including a statement of justification or reasons for the request.