

SIGN-IN

Jim Szarkowski
Keith Simola

Public Meeting IPESO OFFICE

IDAPA 34 - office of Secy of State

Docket 34-0602-1801 (New Chapter)

<u>Attending Name</u>	<u>Org</u>	<u>Email</u>	<u>Phone</u>
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~~None attended~~

1 written comment rec'd from Dorothy Walker
(see next)

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Idaho Board of
Professional Engineers and
Professional Land Surveyors
JUN 27 2018

Keith Simila, P.E., Executive Director
Board of Professional Engineers and Professional Land Surveyors
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WRITTEN COMMENTS ON DOCKET NO. 34-0602-1801 (NEW CHAPTER) - IDAPA 34
(34.06.02) OFFICE OF THE SECRETARY OF STATE - RULES GOVERNING THE
ELECTRONIC RECORDING OF PLATS, RECORDS OF SURVEY AND CORNER RECORDS

WRITTEN COMMENTS ON DOCKET NO. 10-0102-1801 - IDAPA 10 (10.01.02) BOARD OF
PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS - RULES OF
PROFESSIONAL RESPONSIBILITY

Since both Dockets involve private property rights and land titles, I am putting both comments on the same letter.

Landowners have legal title and deeds to private property based on the boundaries created by the original surveyors. These original boundaries are unchangeable and are protected by the Constitutions (both Federal and State), the Bill of Rights and the rule of law. No one can change these boundaries, including the Supreme Court of the U.S. because it violates one of the fundamental rights of the property owner.

A survey is an opinion, not a fact, and is not binding to the landowner.

A survey is a product. Today surveyors do stakeout surveys and call them boundary surveys. When a consumer is given a stakeout survey instead of a boundary retracement survey, this could be considered consumer fraud. If the consumer then suffers damages as a result of her misplaced reliance on a stakeout survey, all of the elements of deceptive trade practices are in place, a crime in Idaho. This needs to be investigated.

Idaho has an appointed administration licensing board called the "*Board of Professional Engineers and Professional Land Surveyors*", that the general public was never made away of or was never authorized by the citizens or the professionals they are controlling. This board is self-governing with no oversight from the legislature, the professionals, or the general public but our tax dollar seem to be funding this agency. Is this governing body legal?

According to "ATTORNEY GENERAL OPINION NO. 92-3", the *"Boards statutory duties primarily relate to regulation and licensing of the practice of professional engineering and professional land surveying, not protecting land survey monuments."*

On September 23, 2014, three licensed surveyors sent a letter to the Board. It says: *"It is our understanding, that the Board's Charter is to look at the conduct of the professionals involved in a dispute."*

This letter also says: *"Unfortunately this situation is not unique and the issue of multiple physical and recorded corner locations for a section corner on the ground is becoming more and more common in Idaho County."*

This situation of multiple physical and recorded corner locations for a section corner on the ground is happening all over the state because surveying laws, the rule of law and the Constitutions are not being followed.

The fundamental rights of the property owners are under attack and are not being defended by any of our branches of government. The chaos and property disputes caused by surveyors has reached mass proportions. Legal landowners are having their land taken by their neighbors using unconstitutional laws in the judicial system. If the judicial system is not upholding private property rights, it needs to be fixed.

Creating unverified documents within the public domain, that is altering private property rights is a violation of the rule of law and our constitutions. Using GPS to create documents of surveys that are only opinions, not facts, that are attacking private property bundle of rights, is a crime.

As a landowner, I am protesting the two rules mentioned above and am requesting a full investigation of this surveying fiasco.

Sincerely,



Dorothy Walker
Landowner

cc: others

FAX COVER SHEET

Date: 6/26/18

This Fax is directed to: Keith Simila P.E

Company Name: IPELS

Fax Number: 208-373-7213

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Number of Pages: (Including this page) 3

Special Instructions: _____

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From: Dorothy Walker

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