

Thoughts on Professional Practice and Education

Article 7: License Forum Shopping

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This is the seventh article I have prepared in the series offering thoughts on professional practice and education. In this article, I wish to discuss forum shopping for licensing, experience, and testing timing. To better understand forum shopping, some background on testing will help understand the purpose and reasons for forum shopping.

I have been surveying for fifty years and been licensed to practice surveying in six different states. When I tested for many of my licenses, I had to show up within the state on a certain day, at a certain location, to take an exam only offered once or twice a year. Given the pre-application time and time after the exam that was required to grade, review, and receive the results, it was not unusual to wait a year between a desire or need to obtain a license in a state and eventual receipt of the license (assuming the pre-requisite experience and education was already attained, and the required testing was passed).

NCEES¹ has considerably reduced the cycle time and wait time for the fundamentals of surveying (FS) exam and the professional surveyor's (PS) exam. I would venture the opinion that any delays are now centered upon waiting for the availability of a seat at a testing center rather than NCEES or the state licensing board to perform their actions. NCEES exams may be taken in hundreds of testing sites across the nation. By way of example, a student in Ohio that plans to visit grandparents in Florida, over Christmas break, with enough lead time to reserve an empty seat at a Florida testing center, can take the NCEES exam in Florida during their visit.

The Covid pandemic has forced many states to offer state specific exams through testing centers on an as-needed basis. Previously, states only offered state specific exams once or twice a year on a specific date at a specific location. Many states have had to adjust for Covid to avoid large gatherings or to quell unrest from applicants that expect state specific exams to be conducted with the same ease in scheduling and promptness experienced with NCEES testing.

The ease of professional testing has allowed for those desiring a surveying license to go forum shopping. What is meant by forum shopping? I am referring to the ability of an applicant to choose among all the states to find the easiest route, in their circumstances, to obtain professional licensing.

I wish to make it clear that a person intending to provide surveying services in a particular state, must have a surveying license for that state. The person must deal exclusively with the licensing board in that state. However, not all aspiring licensees need to be licensed in a particular state to fill their employment requirements or their professional objectives. For example, many individuals employed by the United States Government simply need to be licensed as a surveyor in any state to qualify for higher pay or positions. It does not matter what state the federally employed surveyor has their license. The licensed status of faculty members is not necessarily governed by the state where the university is located. The status of employees in large firms where they do not stamp and seal documents is assured by licensing in any state, not necessarily the state they reside or work in.

In some cases, an individual working in a firm may desire 'professional status' yet they cannot meet the requirements for a survey license in their state of residency. Perhaps they don't have a surveying degree, or the correct degree, or experience required in that state. Nevertheless, these individuals can seek to obtain licensing in another state where they do meet the requirements. For example, a GIS specialist working in a state not requiring a license for GIS services can nevertheless enhance their credibility and reputation by becoming a licensed surveyor in a state that does require a surveyor license for GIS services and will count experience performing GIS services.

Perhaps the most common forum shopping is conducted by the unlicensed person that is embarking on their professional career and desires to take the fundamentals of surveying (FS) exam. In terms of taking their fundamentals of surveying exam, this individual can begin the process in any state regardless of their state of residency. A person can start their professional licensing by choosing a state that charges the least for an application or has the least restrictions on the initial or subsequent process for renewal. One state may allow both NCEES' exams be taken without any restrictions versus the state of residence that may require numerous pre-conditions before an exam can be taken. I am unaware of any state that will not accept the NCEES fundamental of surveying exam results obtained by a person through another state.

There are numerous factors that may impact forum shopping. Licensing requirement is a major factor. States vary according to academic requirements, years of experience, or acceptable experience. Another major factor is timeliness of licensing steps. For example, some states allow both exams (FS and PS) be taken at or near graduation. Some states require four years with an appropriate degree, other states require only two years with an appropriate degree. Cost is another factor. Renewing a survey license in one state is \$50 while another state demands \$300. The last factor worth mentioning is continuing education. Some states don't require continuing education. Other states have minimal or no continuing education requirements.

In summary, given the ease of taking exams. Unless an individual must be licensed in a particular state to provide services, many individuals will shop for the best licensing deals among the various states.

¹ NCEES stands for the National Council of Examiners for Engineering and Surveying

† Other books and articles by Knud can be found at <https://umaine.edu/svt/faculty/hermansen-articles/>