

## MySitePlan short version

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### California law criminalizing drawing lines on maps cripples innovation

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By [Mike Greenberg](#) |

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It might sound ridiculous, but if you've ever drawn a map—whether a diagram of your backyard to show a landscaper the work you'd like done or directions on a napkin for a lost tourist—you might be a criminal. A new [lawsuit](#) filed Thursday seeks to end California's unique law criminalizing such activity.

Ryan Crownholm is a Sherman Oaks-based entrepreneur who learned this lesson the hard way. Ryan runs [MySitePlan.com](#), where he uses publicly available Geographic Information Systems (GIS) maps to create drawings for clients. The drawings, called site plans, simply depict the location of various features on a property, such as buildings, driveways, fences or vegetation. His drawings don't authoritatively determine where any features are located, like surveys do. Ryan's customers use these site plans for a variety of reasons. Homeowners use them to show building department officials where they plan to do small projects on their property, such as building a shed. Apartment complexes use them to show residents where to find dumpsters or fire exits. Wedding venues use them to show how the property can be set up for the big day. MySitePlan.com has created more than 40,000 drawings for [happy customers](#) over nearly a decade of work.

In December 2021, Ryan received a citation from the California Board for Professional Engineers, Land Surveyors, and Geologists, claiming he was illegally practicing "unlicensed land surveying." But Ryan's website has a clear disclaimer that reads: "THIS IS NOT A LEGAL SURVEY, NOR IS IT INTENDED TO BE OR REPLACE ONE." Local California building departments routinely accept site plan drawings from non-surveyors. As a matter of fact, several building departments even teach individuals how to draw their own site plans, using GIS maps, when applying for permits for small projects on their property. That's how Ryan learned how to create site plans when he previously worked as a contractor. He started out tracing GIS maps off the internet, before eventually learning a more sophisticated way to create the drawings using Computer-aided Design (CAD) programs.

Despite all of this, the board ordered Ryan to immediately stop making site plan drawings in California and pay a \$1,000 fine for his "unlicensed surveying." But even the national organization of state surveyor boards [recognizes](#) that non-authoritative drawings like Ryan's aren't "surveying," and thus shouldn't require a license.

Clearly, what Ryan and MySitePlan.com were doing was no different than what other non-surveyors do on a daily basis. But the board doesn't go after homeowners or contractors for creating their own site plans. Instead, the board has singled out an innovative entrepreneur for punishment.

That's why Ryan teamed up with my public interest law firm, [the Institute for Justice \(IJ\)](#), to challenge California's restrictive licensing requirements in federal court. But his case is about much more than just MySitePlan.com. This case is about the ability of innovative companies to provide a valuable service to their customers without being shut down by unnecessary restrictions. The GIS maps that Ryan relies on when creating his site plans are [used](#) by a variety of tech platforms, ranging from Google Maps and Uber to new startups. California's licensing requirements could be weaponized to shut down any similar company, stifle innovation, and deny customers access to valuable services.

Ryan has a right to use publicly available data to create drawings that his customers can use for their various needs, and to earn an honest living for himself and his family. California's law criminalizing drawing lines on a map violates Ryan's rights and threatens to cripple future innovative companies.

*Mike Greenberg is an attorney at the Institute for Justice and represents Ryan Crownholm in his lawsuit against California.*

### **California Man Fined \$1,000 for Drawing Lines on Maps**

The board stated that to depict the location of property lines and fixed features requires a license. <https://www.vice.com/en/article/v7vyj3/california-man-fined-for-drawing-lines-on-existing-maps>

by [Chloe Xiang](#) October 3, 2022, 6:00am

Ryan Crownholm, an entrepreneur in Los Angeles, is fighting the state of California for giving him a fine of \$1,000 for drawing maps.

Crownholm, who is the founder of [MySitePlan.com](#), a website that allows people to purchase informal maps for their property drawn from preexisting information and images, was issued a citation from the California Board for Professional Engineers, Land Surveyors, and Geologists, who claimed that Crownholm and the site were illegally practicing land surveying without a license.

The board stated that to “depict the location of property lines, fixed works, and the geographical relationship thereto” requires a license, and required Crownholm to not only pay a \$1,000 fine but stop his business.

The board's language—that anyone who “depicts the location of property lines” and features within those lines needs a license—is broad and vague. It could be interpreted that anyone who's ever drawn a map in California without a license is breaking the law.

“Somebody's got to do something and fight back. I mean, this is, this is how I've made a living for myself for a lot of years,” Crownholm told Motherboard. “There's a lot of other business owners in California that are being sort of strangled by these policies that don't serve anyone, and certainly not the people of California.”

Crownholm has [teamed up with the Institute for Justice](#) to take the board to federal court, where they've brought [three claims against the Board](#). In the first claim, they say that the board violates Crownholm's First Amendment right to free speech. Secondly, they argue that "California's definition of land surveying is unconstitutionally overbroad and unconstitutionally vague." The team argues third for an "in-the-alternative claim under the Fourteenth Amendment," meaning that the board's regulations should advance legitimate government interest and not discriminate against "similarly situated people," which in this case refers to Crownholm and other people who draw their own site plans.

On Crownholm's site, there is a bold disclaimer at the top which says "THIS IS NOT A LEGAL SURVEY, NOR IS IT INTENDED TO BE OR REPLACE ONE." [The company's "About" page](#) clearly states that it uses publicly available information, such as Google Maps, online Geographic Information Systems (GIS), and other programs with satellite imagery to create its digital drawings. It also says, "If your building department DOES NOT require a Surveyor, Engineer, or Architect Stamp our plans are just what you need!"

Building departments regularly accept plan drawings from non-surveyors and even give instructions to contractors and homeowners on [how to create their own site drawings](#). Crownholm started his career as a contractor and learned how to create site plans, which is a requirement when applying for permits. For example, the [city building department of San Gabriel, California has a pamphlet](#) that answers questions such as "What is a Site Plan?" and "How do I prepare a Site Plan?" and guides homeowners to use free online GIS data. Customers go to [MySitePlan.com](#) to make this process easier for them, whether it's restaurants looking to plan outdoor dining tables or wedding venues working on an upcoming ceremony.

Local officials encouraging people to create their own site drawings contradicts the board's claim that anyone who depicts a site map needs a license. [The Institute of Justice wrote](#) about Crownholm's case that "there is no way to tell why MySitePlan.com's site plan drawings are illegal but the thousands of site plan drawings submitted by non-surveyors to California building departments are not."

"Essentially, at the end of the day, what we are is a professional tracing company. We just take the existing information, and we just repurpose it and it's the same thing that every contractor in California does, every homeowner in California does," Crownholm said. "Whenever they need a permit, when they need building permits, in particular, they state specifically that they do not need to hire a surveyor, architect, or engineer. We're basically just working as an extension to them, you know, it's like a person who doesn't want to change their car's oil, [so] we change it for them."

The Institute of Justice said that if the board goes through with its action of shutting down Crownholm's business, it would serve as a harmful precedent to anyone doing mapping and map-making.

"For the board to say that I'm not allowed to do it, they'll also have to tell all the building departments that they have to change all their policies and that all the homeowners won't be

allowed to talk for themselves anymore, and all the contractors,” Crownholm said. “Oh, and by the way, Zillow and Redfin, and all these other companies that use the same database should shut down as well.”

“As our complaint explains, it's been long recognized that a literal interpretation of surveying practice statutes would make a lot of common everyday things illegal without a license: GIS data, the many uses now of things like Google Maps,” said Paul Avelar, the lawyer representing Crownholm and managing attorney at the Institute for Justice Arizona Office.

The requirement for everyone who draws maps to have a surveying license would restrict currently public GIS data that is not only used for housing purposes but depict [COVID-19 cases](#), [crime rates and patterns](#), and [current wildfires](#). Obtaining [a surveying license in California requires](#) six years of full-time experience in land surveying, followed by taking and passing four exams and paying the \$175 application fee.

*This article is part of State of Surveillance, made possible with the support of a grant from Columbia University's Ira A. Lipman Center for Journalism and Civil and Human Rights in conjunction with Arnold Ventures. The series will explore the development, deployment, and effects of surveillance and its intersection with race and civil rights.*

### **Entrepreneur Fined \$1,000 for Using Public Information to Draw Lines on Maps Files Federal Lawsuit Against Innovation Stifling California Regulations**

[Dan King](#) Communications Project Manager [dking@ij.org](mailto:dking@ij.org) September 29, 2022

<https://ij.org/press-release/entrepreneur-fined-1000-for-using-public-information-to-draw-lines-on-maps-files-federal-lawsuit-against-innovation-stifling-california-regulations/>

IJ is a public interest law firm. We represent clients free of charge in cutting-edge litigation defending vital constitutional rights. You can join us by supporting our work here: [ij.org/support](https://ij.org/support)

SACRAMENTO, Calif.—Do you need a government license to trace a map from publicly available data? It might sound ridiculous, but in California the answer is “yes.” Today, an entrepreneur joined with the Institute for Justice (IJ) to file a [federal lawsuit](#) challenging these regulations because they violate his First Amendment rights.

Ryan Crownholm is an Army veteran and self-described “serial entrepreneur” who runs a business called MySitePlan.com. He takes publicly available maps and draws approximate lines—such as property lines or locations of physical structures—on them to create new maps for customers called “site plans.” These drawings are used for planning purposes; they are not authoritative drawings meant to establish original measurements. Ryan’s website explicitly states that “this is not a legal survey, nor is it intended to replace one.” Furthermore, California’s own building departments teach homeowners and contractors how to make the exact same drawings Ryan makes.

None of that stopped the California Board for Professional Engineers, Land Surveyors, and Geologists from singling MySitePlan.com out for prosecution, for what it claimed was unlicensed land surveying. On Dec. 28, 2021, officials sent Ryan a “citation order” via email

demanding that he “cease and desist from violating” the law and that he pay an administrative fine of \$1,000.

“Using public data to draw lines on public maps is not surveying, it’s free speech,” said IJ Senior Attorney Paul Avelar. “Ryan doesn’t lose his free speech rights simply because he’s making money off that speech. There is no reason to single out MySitePlan.com for prosecution.”

Over his nine years in business, Ryan has served thousands of happy customers, including homeowners who are looking to build a shed on their property, event venues that want to show where seats can be placed when hosting a wedding, apartment complexes that want to show their tenants where to find dumpsters or pools, and many others. The customers have been pleased with Ryan’s work and no complaints have ever been filed about his business.

“California regulators are strangling entrepreneurs, like me, with red tape even though customers are pleased with the valuable services we provide,” Ryan said. “Prosecuting my company hurts homeowners, contractors, landscapers, farmers, wedding venues and others who depend on my service.”

In 2006, the National Council of Examiners for Engineering and Surveying published model rules that specifically recognize that the types of drawings Ryan creates should not require a license.

“California’s regulations go far beyond what other surveying regulators think is appropriate,” said IJ Attorney Mike Greenberg. “This is yet another example of an established industry using the government to shut down popular, innovative competition. If read literally, California’s laws could harm services everyday people use such as Uber and Google Maps. It would even criminalize drawing a makeshift map on a napkin to help a lost tourist find the way to their destination.”

IJ has fought back against similar regulations on occupational speech, including a [case in Mississippi](#) which ultimately led to a similar surveying law being struck down, a [California case](#) which ended a law that criminalized teaching trades to people without a high school diploma, and an ongoing [North Carolina case](#) which challenges a law that says taking photos with a drone should be regulated as “surveying.”

**MySitePlan.com disclaimer:**

No Site Visit Required

Fast 24-hour turnaround

Full Drafting Services Available

Guaranteed Acceptance \*

Our Site Plans are Non-Certified [Read More](#)

**What Is a Non-Certified Site Plan?**

A non-certified site plan is one that can be created by a homeowner, unlicensed individual, or a company like My Site Plan.

We use GIS (Geographical Information System) lot lines, satellite imagery, and client provided information to create the first draft which is sent to the client to verify dimensions. If you need any dimensions adjusted just mark them onto the draft and send back to us. We take care of those free of charge. We make no representation regarding the accuracy of our sources.

As long as a certified plan isn't required for your project, we stand by our work with a money-back guarantee.

What Is a Certified Site Plan?

A certified site plan is a site plan that is prepared by and stamped by an architect, engineer, or surveyor and requires a high level of accuracy. This will require a visit to your site.

Often, permit authorities will require a certified site plan for building additions or lot subdivisions where having dead-on measurements is a must. Every city is different, so it is always best to call to verify requirements before ordering a plan.

(bottom of the website)

**This is not a Legal Survey, nor is it intended to be or replace a Legal Survey.**

## CA Surveyor licensing law

PROFESSIONAL LAND SURVEYORS' ACT (Business and Professions Code §§ 8700 – 8805)

INCLUDES AMENDMENTS MADE DURING THE 2021 LEGISLATIVE SESSION

(Effective January 1, 2022, unless otherwise noted)

CHAPTER 15. LAND SURVEYORS

Article 1. General Provisions

8726. Land surveying defined

(a) A person, including any person employed by the state or by a city, county, or city and county within the state, practices land surveying within the meaning of this chapter who, either in a public or private capacity, does or offers to do any one or more of the following:

~~(a)~~ (1) Locates, relocates, establishes, reestablishes, or retraces the alignment or elevation for any of the fixed works embraced within the practice of civil engineering, as described in Section 6731.

~~(b)~~ (2) Determines the configuration or contour of the earth's surface, or the position of fixed objects above, on, or below the surface of the earth by applying the principles of mathematics or photogrammetry.

~~(c)~~ (3) Locates, relocates, establishes, reestablishes, or retraces any property line or boundary of any parcel of land, right-of-way, easement, or alignment of those lines or boundaries.

~~(d)~~ (4) Makes any survey for the subdivision or resubdivision of any tract of land. For the purposes of this subdivision, the term “subdivision” or “resubdivision” shall be defined to include, but not limited to, the definition in the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7 of the Government Code) or the Subdivided Lands Law (Chapter 1 (commencing with Section 11000) of Part 2 of Division 4 of this Code).

~~(e)~~ (5) By the use of the principles of land surveying determines the position for any monument or reference point ~~which~~ that marks a property line, boundary, or corner, or sets, resets, or replaces any such monument or reference point.

~~(f)~~ (6) Geodetic surveying or cadastral surveying. As used in this chapter; ~~geodetic~~

(A) Geodetic surveying means performing surveys, in which account is taken of the figure and size of the earth to determine or predetermine the horizontal or vertical positions of fixed objects thereon or related thereto, geodetic control points, monuments, or stations for use in the practice of land surveying or for stating the position of fixed objects, geodetic control points, monuments, or stations by California Coordinate System coordinates.

(B) Cadastral surveying means performing a survey that creates, marks, defines, retraces, or reestablishes the boundaries and subdivisions of the public land survey system of the United States.

~~(g)~~ (7) Determines the information shown or to be shown on any map or document prepared or furnished in connection with any one or more of the functions described in ~~subdivisions (a), (b), (c), (d), (e), and (f)~~ paragraphs (1) through (6), inclusive.

~~(h)~~ (8) Indicates, in any capacity or in any manner, by the use of the title “land surveyor” or by any other title or by any other representation that ~~he or she practices or offers~~ they practice or offer to practice land surveying in any of its branches.

~~(i)~~ (9) Procures or offers to procure land surveying work for ~~himself, herself, themselves or~~ others.

~~(j)~~ (10) Manages, or conducts as manager, proprietor, or agent, any place of business from which land surveying work is solicited, performed or practiced.

~~(k)~~ (11) Coordinates the work of professional, technical, or special consultants in connection with the activities authorized by this chapter.

~~(l)~~ (12) Determines the information shown or to be shown within the description of any deed, trust deed, or other title document prepared for the purpose of describing the limit of real property in connection with any one or more of the functions described in ~~subdivisions (a) to (f)~~ paragraphs (1) through (6), inclusive.

~~(m)~~(13) Creates, prepares, or modifies electronic or computerized data in the performance of the activities described in subdivisions (a), (b), (c), (d), (e), (f), (k) and (l) paragraphs (1), (2), (3), (4), (5), (6), (11), and (12).

~~(n)~~(14) Renders a statement regarding the accuracy of maps or measured survey data.

(b) Any department or agency of the state or any city, county, or city and county that has an unregistered person in responsible charge of land surveying work on January 1, 1986, shall be exempt from the requirement that the person be licensed as a land surveyor until such time as the person currently in responsible charge is replaced.

(c) The review, approval, or examination by a governmental entity of documents prepared or performed pursuant to this section shall be done by, or under the direct supervision of, a person authorized to practice land surveying.

*{Amended by Stats.2021, Ch. 106}*

#### 10-19-22 Telephone conference with MySitePlan's lawsuit attorneys (updated 11-3-22)

The CA Board for Professional Engineers, Land Surveyors, and Geologists issued a cease-and-desist order to MySitePlan.com for creating site plans by extracting parcel boundaries and other mapped features from publicly available GIS data. These diagrams were sufficient for property owners to submit to building departments for permits, and they were clearly annotated with the disclaimer, "THIS IS NOT A LEGAL SURVEY, NOR IS IT INTENDED TO BE OR REPLACE ONE." In addition, the Board fined MySitePlan \$1,000 for "practicing survey without a license."

The company owner is suing the Board to have its order rescinded. Reading the brief, I was impressed with the level of geospatial technical knowledge the Institute for Justice attorneys have.

Nevertheless, their lawsuit is primarily a First Amendment claim; that's why they filed in Federal District Court. **They claim that the Board has no right to limit "speech" which includes the making of maps, especially when that is based on preexisting information.** The attorneys work for a non-profit organization that generally opposes government intrusion. They are not challenging the limits on who can do actual surveys or create authoritative survey products. They agree that a licensed surveyor can be required for activities that affect a person's property ownership rights (e.g. authoritative location determinations). But here they say that the maps are not authoritative and no one thinks they are, they are just informational.

They say, and understand, "the distinction is in the use of the data, not in its creation."

The Institute for Justice also defended the Visiline company against Mississippi's surveyor licensing board. They are currently defending a company in No.Carolina that uses drones to create maps and imagery for real estate agents.

In addition, they are suing the CA Board because the words describing the practice of survey in the statute ("**locates, relocates, establishes, reestablishes, or retraces**") are not specifically defined, therefore, the Board is overreaching its authority to limit "speech" beyond "occupational



speech." Similarly, the word "authoritative" is vague, but actually, it does not appear in the statute (§8726. Land Surveying defined).

This week, they are filing for a preliminary injunction against the Board's cease-and-desist order, so MySitePlan can continue to do business while the lawsuit works through the Judicial process (4 to 5 months, minimum).

What can we do to assist?

- 1 - Make sure our fellow GIS professionals know about this lawsuit.
- 2 - Contact surveyor colleagues to gain support from individuals and surveyor organizations as well.
- 3 - If the initial case goes to appeal, they may want some expert witnesses to describe the use and variety of GIS maps and data which is not directly created by licensed surveyors (e.g., representational maps). They may also need an Amicus Curiae brief at that time.