

Summary
of
HUTCHINSON V. DUBEAU
289 S.E.2d 4, 161 Ga.App. 65 (1982)
by
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Note: The principles discussed may not apply to all states. The reader is encouraged to research the law in their own state.

A surveyor provided surveying services for the seller. The seller had requested a survey for the specific purpose of resolving one boundary location. The surveyor had relied on documents furnished by the owner. It was later determined that the document (i.e., plat) had errors. A subsequent buyer suffered damages as a result of the errors caused by the erroneous documents.

The court held there is authority under general tort principles for holding a professional surveyor liable to third persons with whom the surveyor is not in privity based on negligent misrepresentations appearing in a plat, provided that the surveyor knew or should have known that such third persons would use and rely upon the plat in subsequent transactions involving the property. The court went on to hold that the surveyor was liable under the Georgia code which imposes the following obligation: "Plans, specifications, plats, and reports issued by a registrant shall be stamped or sealed and countersigned by the registrant... No plans, specifications, plats, or reports shall be stamped with the seal of a registrant unless (i) such registrant has personally performed the engineering or land surveying work involved, or (ii) when the registrant has not personally performed the engineering or land surveying work reflected in any plan, specification, plat or report, such registrant has affixed his seal thereto only after he has reviewed the work embodied in such plan, specification, plat, or report and has satisfied himself completely that such work is accurate. No registrant shall affix his seal to any plan, specification, plat or report unless he has assumed the responsibility for the accuracy of the work involved. Any registrant who has affixed his seal to any plan, specification, plat, or report prepared by another without having first reviewed the same, shall be deemed to have committed a fraudulent act of misconduct in the practice of professional engineering or land surveying."