

GUEST VIEW: Drawing a line in the sand against government overreach

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With the statewide political campaigns gearing up, we are sure to hear often this year from candidates who say they want to stop government overreach from stifling small businesses, innovative startup companies, and job creation in Mississippi. This is a worthy goal. But some may wonder, exactly what does this kind of government overreach look like? Where do we draw the line between the proper role of government and unnecessary government interference?

To find the answer, we need only look to the travails of an innovative technology startup out of Madison named Vizaline. Two Mississippi businessmen put their experience and ideas together to offer something new. Brent Melton had worked in community banks for 42 years and knew they needed a way to understand the boundary lines of smaller properties they financed. For these smaller loans, surveys were neither required nor financially feasible. Scott Dow had spent two decades working with geospatial remote sensing and 3D computer modeling and he knew how to make this idea a reality.

Together, they created software that could take a properties' publicly available legal description – which is just cryptic words on paper generated by professionally licensed surveyors – and turn it into something anyone can understand: a drawing of the described property lines on a map.

Vizaline does not conduct surveys. It does not hold itself out as a professional surveyor. It simply takes information already generated by surveyors and puts it into a more user-friendly format. Vizaline only sells its services to small community banks who need and want a more cost-effective and user-friendly way to understand the properties they are financing. These are sophisticated customers. They know exactly what they are getting. And they want it. Nobody is getting duped.

Nevertheless, the government decided it needed to stop these transactions between a willing seller and willing, satisfied customers. The Mississippi Board of Licensure for Professional Engineers and Surveyors sued Vizaline. The government board claimed Vizaline was engaged in “unlicensed surveying.” It asked the court to shut down Vizaline, and to force them to hand over all the money they have ever earned.

Vizaline fought back. It obtained legal representation from the Institute for Justice and filed its own lawsuit, arguing that the government's actions were unconstitutional. Everyone in America has the right to free speech, including the right to take existing, publicly available information, and create a new representation of that same information. Moreover, the government board – which is composed entirely of licensed surveyors and engineers – is not trying to protect the

public. It is trying to protect its own industry from competition. Unfortunately, for the board, that is not a constitutionally valid function of government.

While Vizaline's lawsuit was still ongoing, the Mississippi legislature had an opportunity to stop this government overreach. A bill introduced last session would have clarified that the Mississippi Board of Licensure for Professional Engineers and Surveyors does not have the authority to stop companies like Vizaline from doing business in our state. The legislature missed that opportunity, which is disappointing, given how many of our elected officials campaigned on stopping exactly this type of government overreach.

Vizaline is currently appealing its case in federal court. The Mississippi Justice Institute joined the Cato Institute and the Pelican Institute to file a legal brief supporting Vizaline's case, and urging the court to uphold all Mississippians' right to disseminate public information, and to do business free from unnecessary government interference.

So where is the line between proper exercises of government power and government overreach? While the government tries to stop it from drawing lines on paper, Vizaline has drawn a new line in the sand against government overreach. Broadly enforcing vague laws simply to protect industry insiders from competition with new, innovative competitors is not a valid function of government. The Mississippi Justice Institute is proud to stand with Vizaline, and would be proud to stand with any Mississippian facing similar government overreach.