

IT'S ONLY A QUESTION OF ETHICS

A (Hopefully) Thought Provoking Session of
Ethics

by

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Ethics is all about fishing



INTRODUCTI ON

THE IMAGE AND DEMEANOR OF THE SURVEYOR

Years ago the Image of the surveyor was that as depicted in the last PI. Has this Image changed over the years? In closed sessions we may all laugh at this image but unfortunately many people still see the surveyor in this vain.

With the Infusion of new people and the requirements for advance education the surveyor of the 21st century is far removed from the (mage seen here).

Unlike the soldier or sailor, the surveyor has no uniform to distinguish from others. One day the surveyor may be in khakis and the next may be wearing a tie while making a presentation before a zoning board.

SURVEYING defined

One of the major problems we encounter is there is no universal definition of surveying. Surveying is not defined by what we do but is defined by politicians and statutes. We do have the common law definitions, but at times they may be in conflict with what the law defines surveying as.

We do know that simply using instruments and technical equipment will not make a surveyor. It is a combination of scientific knowledge, equipment use, law and an understanding of business that makes a successful surveyor. To this the individual must apply sound judgment and ethical principles

REASONING BEHIND MINIMUM TECHNICAL STANDARDS

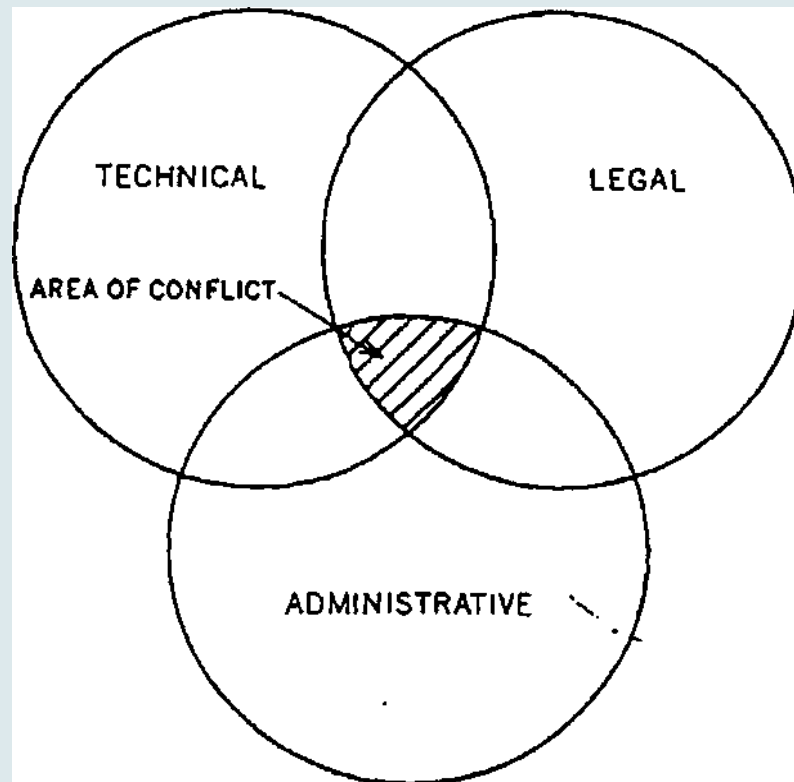
Minimum standards can be placed into two categories: guidelines and statute [law]. Every state is different. The purpose behind the standards is to be able to have a standard to which a surveyor's conduct can be judged, so far as accuracy, precision, quality and completeness. It is important which of the two categories a state's standards are placed.

There must be a basis for judging a surveyor's work and product. The standard provides the minimum requirement from which each surveyor can start.

KNOWING THE STANDARDS

By virtue of their registration, all surveyors are presumed to know and to produce work within the Minimum Technical Standards, there are no excuses

THE THREE DISCIPLINES OF SURVEYING
where **ETHICS** play a part



A POSSIBLE CONFLICT FOR THE SURVEYOR

MY DEFINITION OF ETHICS

Ethics is a thought and decision making process that forces a professional to seek solutions to moral questions or dilemmas for which there may be multiple solutions that arise in the personal and or professional relationship between the professional, his/her clients and other professionals in either a work environment or a personal environment.



- ▶ An **ETHICAL** decision may be a fairly simple and clear decision , or it may be complex and questionable to the decision maker and other parties.

At times there may be multiple options or solutions while other times the decision is clear.

Then at times there may not be a clear right or wrong decision. But only a “gut” decision.



Quote #1

- ▶ The person that loses their conscience has nothing left worth keeping

IZAAK WALTON



Rules of Ethics

Define It

▶ 1

▶ 2

▶ 3

▶ 4

▶ 5



My Definition of Ethics

- ▶ **ETHICS** is a process that attempts to recognize and seek solutions to moral questions and/or dilemmas that arise between individuals, professional and peoples with whom they have either personal and/or business relationships in the everyday workplace and personal areas of living.
- ▶ The final answer may defy an ultimate solution or answer



Seminar Objective

The objective of this seminar is to review the requirements of Rules of Professional Conduct more commonly known as “*Rules of Ethics.*”

The seminar will attempt to accomplish the following items:

1. Review Rules of Professional Conduct
2. How to apply the rule of professional conduct to the practice of land surveying.
3. How ethical concerns might impact client relationships
4. Seminar participants discussion on personal experiences related to ethics.



Quote #2

- ▶ Integrity has no need of ethics. Ethics cannot be fully carried out, without involving the possibility of complete sacrifice of ones self

- **ALBERT SCHWEITZER**



What is a Professional?

- ▶ A "profession" is defined as "*an occupation requiring advanced academic training, as medicine, law, etc.*" (Webster's New World Dictionary)
- ▶ Therefore, a "PROFESSIONAL" is a person who has learned the art and science needed to practice a profession and has earned the necessary credentials.



Quote #3

We are free up to the point of choice;
then the choice controls the chooser.

MARY CROWLEY



Some Principles of Being a Professional

- ▶ *Principle 1: Professional stature cannot be attained by self-proclamation; it must be earned, and others must bestow the title on the profession.*
- ▶ *Principle 2: Superior and distinct education in a field of knowledge is one essential feature of a profession.*

Evidence and Procedures for Boundary Location. Third Addition, p. 99



Some Principles of Being a Professional

◆ *Principle 3: The surveyor has the following obligations to the public:*

- (1) to see that the client's boundaries are properly monumented without subtracting from the rights of the adjoiner;*
- (2) not to initiate boundary disputes;*
- (3) not to aid in unauthorized surveying practice;*
- (4) to see that those licensed to survey are properly qualified by character, ability, and training;*
- (5) to see that those prove unworthy of their privileges have those privileges deprived;*
- (6) to agree not to attempt to practice in any professional field in which is not proficient; and to produce a quality product regardless of the price.*

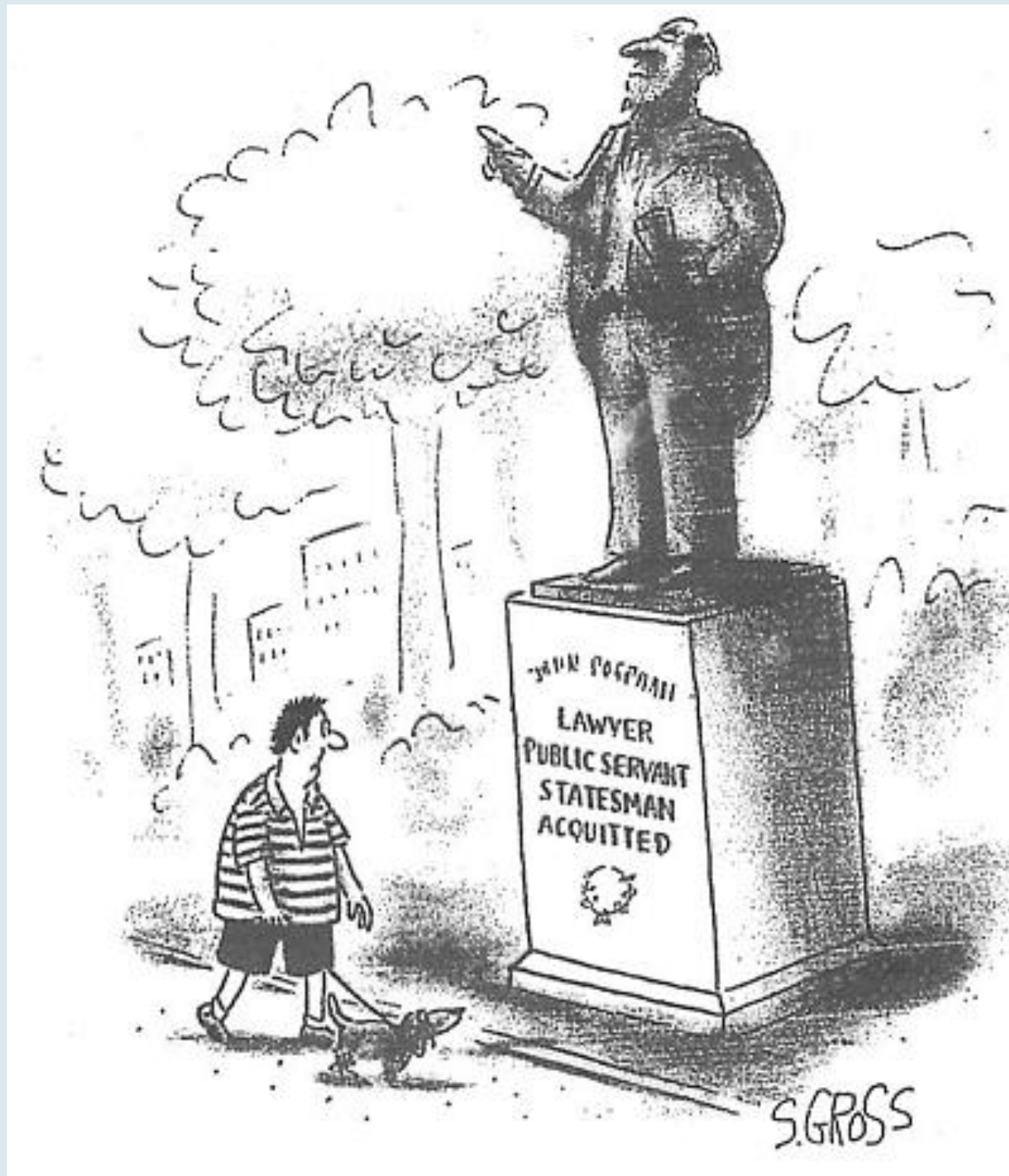


Quote #4

We ought always to deal justly, not only with those who are just to us, but likewise to those who endeavor to injure us; and this, for fear lest by rendering them evil for evil, we should fall into the same vice

HIEROCLES





Some Principles of Being a Professional

- ▶ *Principle 4: No surveyor should permit his (or her) name to be used in aid of, or to make possible, the unauthorized practice of surveying by any agency, person, or corporation.*
- ▶ *Principle 5: The surveyor does not attempt to injure falsely or maliciously, directly or indirectly, the professional reputation, prospects, or business of another surveyor.*



Some Principles of Being a Professional

- ▶ *Principle 7: It is unprofessional to review the work of another property surveyor or for the same client, except with the knowledge or consent of such property surveyor or unless the connection of such property surveyor with the work has been terminated.*



Quote #5

- ▶ I claim not to have controlled events, but confess plainly that events have controlled me.



It is

ABRAHAM LINCOLN



Some Principles of Being a Professional

Principle 8: It is unprofessional to act in any manner or engage in any practice that will tend to bring discredit on the honor or dignity of the surveying profession.

Principle 9: No division of fees for services is proper, except with another surveyor who by his license is permitted to do property surveying work.



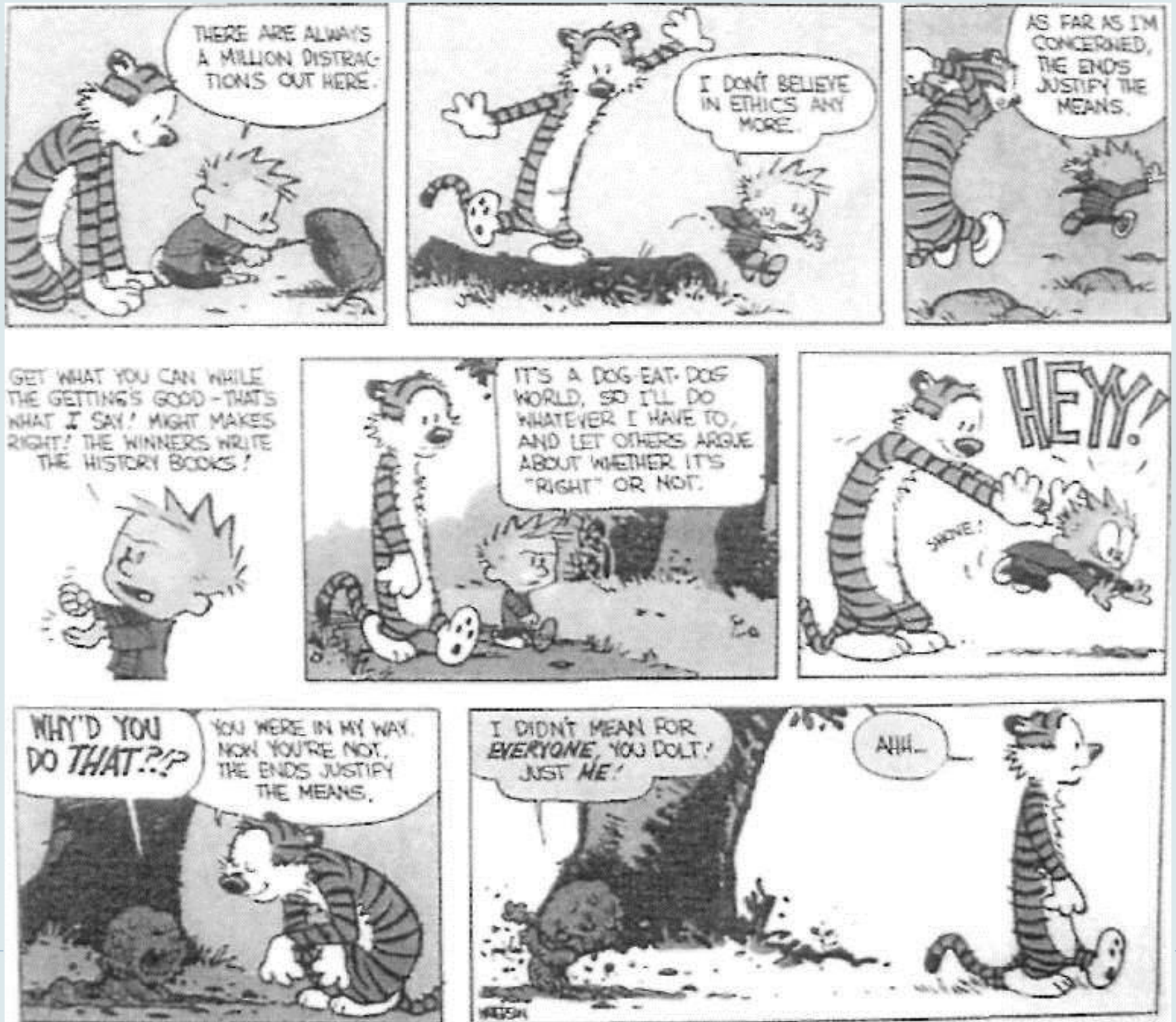
Attributes of a Professional

- ▶ *Unique & superior education in a soecufuc field of knowledge.*
 - ▶ *Service to the public in ability to persuade.*
 - ▶ *Position of trust*
 - ▶ *Unique and superior education in a specific field of*
- A code of ethics.***
- ▶ *The desire to gain high eminence with financial return of secondary importance.*
 - ▶ *Use of independent judgment and acceptance of liability.*
 - ▶ *Providing services to those unable to pay.*
 - ▶ *Fees are charged to those able to pay, and such fees are dependent on the services rendered rather than labor or product.*
-

THERE ARE SOME PEOPLE WHO BEHAVE JUST LIKE CALVIN. ETHICS ARE FOR OTHERS.

INDIANA REGISTERED LAND SURVEYORS ARE REQUIRED TO ACT IN AN ETHICAL MANNER AT ALL TIME AND IN ALL ASPECTS OF THEIR PROFESSIONAL LIVES.

THE PUBLIC EXPECTS IT, THE CLIENT REQUIRES IT, AND THE STATE OF INDIANA DEMANDS IT.



Quote #6

- ▶ He has honor if he holds himself to an ideal of conduct though it is inconvenient, unprofitable, or dangerous to do so

WALTER LIPPMANN



Rules of Professional Conduct

Rules of Professional Conduct

Ethical, economic, and legal principles; professional incompetence

Sec. 1.

(a) This rule establishes requirements concerning ethical, economic, and legal principles and unprofessional conduct in the practice of land surveying.

(b) The failure of a registered land surveyor to comply with the provisions of this rule constitutes professional incompetence.

(c) A surveyor could also be charged with negligence (per se) *Spainhauer v. Huffman*



Rules of Professional Conduct

Sec. 2. Each applicant shall certify on the application that he has read and agrees to abide by the Act and the Rules of the Board in force at the time.

Sec. 3. Such knowledge shall encompass the understanding that the practice of land surveying is a privilege, as opposed to a right, and the registrant shall be forthright and candid in statements or written response to the board or its representatives on matters pertaining to professional conduct.

Sec. 4. The land surveyor shall at all times recognize the primary obligation to protect the safety, health, and welfare of the public in the performance of professional duties. If the land surveyor's professional judgment is overruled under circumstances where the safety, health, and welfare of the public are endangered, the land surveyor shall inform the land surveyor's employer of the possible consequences and notify such other proper authority of the situation, as may be appropriate.



Quote #7

- ▶ Make the most of yourself, for that is all there is of you.

RALPH WALDO EMERSON



Rules of Professional Conduct

Sec. 5. The land surveyor shall undertake to perform land surveying assignments only when qualified by education or experience in the specific technical field of land surveying involved.

Sec. 6. The land surveyor may accept an assignment requiring education or experience outside of the land surveyor's field of competence, but only to the extent that services are restricted to those phases of the project in which the land surveyor is qualified. All other phases of such project shall be performed by qualified associates, consultants, or employees.

Sec. 7. The land surveyor shall not affix a signature and/or seal to any land surveying plan or document dealing with subject matter in which the land surveyor lacks competence by virtue of insufficient education or experience, or to any such plan or document not prepared as described in 865 IAC 1-7-3.



Rules of Professional Conduct

Sec. 8. The land surveyor shall be completely objective and truthful in all professional reports, statements, or testimony. The land surveyor shall include all relevant and pertinent information in such reports, statements, or testimony.

Sec. 9. The land surveyor, when serving as an expert or technical witness before any court, commission, or other tribunal, shall express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of the land surveyor's testimony.




Rules of Professional Conduct

Sec. 10. The land surveyor will issue no statement, criticism, or argument on land surveying matters connected with public policy which are inspired or paid for by an interested party, or parties, unless the land surveyor has prefaced the comment:

- (1) by explicitly identifying himself or herself;
- (2) by disclosing the identities of the party, or parties, on whose behalf the land surveyor is speaking; and
- (3) by revealing the existence of any pecuniary interest the land surveyor may have in the instant matters.

Sec. 11. The land surveyor shall conscientiously avoid conflicts of interest with an employer or client, but, when unavoidable, the land surveyor shall forthwith disclose the circumstances to the employer or client.



Quote #8

- ▶ Law will never be strong or respected unless it has the sentiment of the people behind it.

James Bryce



Rules of Professional Conduct

Sec. 12. The land surveyor shall avoid all known conflicts of interest with an employer or client and shall promptly inform the employer or client of any business association, interest, or circumstances which could influence judgment or quality of services.

Sec. 13. The land surveyor shall not accept compensation, financial or otherwise, from more than one (1) party for services on the same project, unless the circumstances are fully disclosed to, and agreed to, by all interested parties.

Sec. 14. The land surveyor shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with the client or employer in connection with work for which the land surveyor is responsible.

Sec. 15. The land surveyor shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products.



Rules of Professional Conduct

Sec. 16. When in public service as a member, advisor, or employee of a governmental body or department, the land surveyor shall not participate in considerations or actions with respect to services provided by the land surveyor or the land surveyor's organizations in private land surveying practices.

Sec. 17. The land surveyor shall not solicit or accept a land surveying contract from a governmental body on which a principal or officer of the land surveyor's organization serves as a member.

Sec. 18. The land surveyor shall not offer to pay, either directly or indirectly, any commission, political contribution, gift, or other consideration in order to secure work, exclusive of securing a salaried position through employment agencies.

Sec. 19. The land surveyor shall seek professional employment on the basis of qualification and competence in the proper accomplishment of similar work.



Quote #9

- ▶ Never be associated with someone you can't be proud of, whether you work for him or he works for you.


VICTOR KIM



Rules of Professional Conduct

Sec. 20. The land surveyor shall not falsify or permit misrepresentation of the land surveyor's or the land surveyor's associates' academic or professional qualifications. The land surveyor shall not misrepresent or exaggerate the degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures or their past accomplishments, or the land surveyor's past accomplishments, with the intent and purpose of enhancing the land surveyor's qualifications and work.

Sec. 21. The land surveyor shall not knowingly associate with or permit the use of the land surveyor's name or firm name in a business venture by any person or firm which the land surveyor knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature.



Rules of Professional Conduct

Sec. 23. Conviction of a crime shall be deemed incompetent practice if the acts which resulted in the conviction have a direct bearing on whether the applicant should be entrusted to serve the public as a registered land surveyor.

Sec. 24. The revocation or suspension of a registered land surveyor's license by another jurisdiction, if for a cause which in the state of Indiana would constitute a violation of IC 25-21.5 or this title, shall be grounds for a charge of violation of IC 25-21.5-10.



Quote #10

- ▶ Good people do not need laws to tell them to act responsibly, while bad people will find a way around the laws

PLATO



Registration is a Privilege

**REGISTRATION AS A LAND SURVEYOR
IN ANY STATE IS A PRIVILEGE NOT A
CONSTITUTIONAL RIGHT.**

**A VIOLATION OF ANY RULE
COULD RESULT IN LOST OF THAT
PRIVILEGE.**



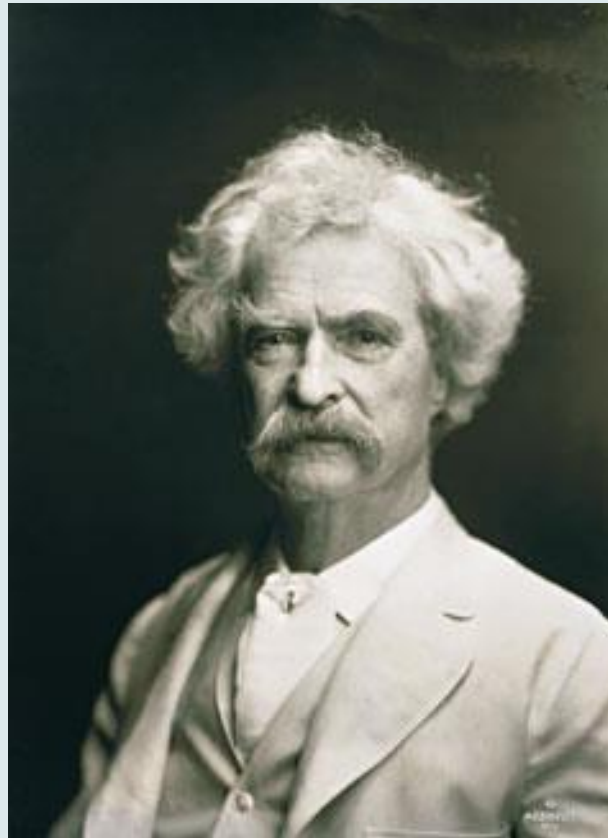
Quote #11

- ▶ **Always do right – this will gratify some and astonish the rest.**



Who said

- ▶ “If you tell the truth you will never have to lie.”



Possible Sanctions

- ▶ **REVOCAATION**
- ▶ **SUSPENSION**
- ▶ **CENSURE**
- ▶ **REPRIMAND**
- ▶ **PROBATION REPORT TO BOARD**
 - ▶ **LIMIT PRACTICE**
 - ▶ **ADDITIONAL EDUCATION**
 - ▶ **COMMUNITY SERVICE**
 - ▶ **RE\$TITUTION**



Quote # 12

- ▶ For what shall it profit a man, if he shall gain the whole world, and lose his own soul?

God



Quote #13

- ▶ If some among you fear taking a stand because you are afraid of reprisals from customers, clients, or even government, recognize that you are just feeding the crocodile hoping he'll eat you last.



Who said this



The three basic theories of ethics

I. LEGAL ETHICS

I. CODES

II. RULES –WRITTEN & UNWRITTEN

III. STATUTES

II. ANTINOMIANISM

I. IF IT FEELS GOOD IT MUST BE GOOD

III. UTILITY OR SITUATION ETHICS



Definitions of **Related** Concepts:

1. Manners - good etiquette.
2. Avoid taking telephone call from clients when a client is in your office.
3. Morals - Personal values that are not necessarily ethical values that include not drinking, swearing, smoking, etc.

Alternate Ethical Theories:

- I. Deontology (Emmanuel Kant 1724-1804):
 - a. Duty based theory
 - b. individual acts as though their actions become the rules for all of society
 - c. An action would be ethically wrong if it could not become a universal practice without being destructive.

2. Consequentialism or Utilitarianism:

- a. An action is judged right or wrong based entirely on the consequences of that action.

- b. The welfare impacts of an action must be judged on a case-by-case basis.



Social Justice Theories:

Egalitarianism –

Everyone entitled to equal

shares of all goods
and benefits

Marxism - "From each

according to his abilities,
to each according to his
needs.^{1'}

Libertarianism –

Preservation of the rights of
individuals and the
free expression of individual
freedom supersedes all other
considerations.



Let's Look at Some other Areas & Theories

- ▶ **ETHICS** have been confused with
 - good manners
 - morals

OTHER THEORIES

I. Deontology

Duty

II. Consequentialism/utilitarianism

Case by case

III. Social justice



Let's look to the Real world on how to avoid unethical behavior

▶ Think this one over.

Don't take on too much work - If a practitioner has more work than the means to effectively handle the work, communications will be lax, matters completed untimely, work completed when tired, operational checks not made, corners cut, and so on.

Don't handle matters that are beyond your experience, skill, education, or training - Services that are taken beyond the practitioner's competence quickly get out of hand.

Communicate clearly and frequently with your employer and client -Professional services represent a major financial decision for many clients and often involve matters that place the clients and often involve matters that place the client under great stress. The failure to communicate clearly and frequently with an employer or client often exasperate any problem.

Establish a clear working arrangement with the terms evidenced in writing. Pay particular attention to matters regarding *feea* and special arrangements or limitations on reasonable standards.

Always use caution in withdrawing or terminating services before the contract completion.




SUGGESTIONS TO CONSIDER

- ▶ **When in doubt ask.**
 - ▶ **Know your client and the reason for the services sought.**
 - ▶ **Listen to your client and what they are saying. Make the client understand you are interested in what they are saying but you can not always do what they say.**
 - ▶ **Write down all relevant or important information as soon as possible to avoid mistaking, misunderstanding, or forgetting the message or information.**
 - ▶ **Continue your education.**
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- ▶ **Only do business with good people.**
 - ▶ **Be consistently ethical, not just in church or at home.**
 - ▶ **Always act in the best interests of the dignity, reputation and good standing of the profession. Apply professional judgment and act responsible in all matters affecting the client, the public, the profession and the environment.**
 - ▶ **Behave with courtesy and consideration with all people with whom you have to deal. This includes fellow professionals, trainees, public bodies, and clients.**
 - ▶ **Judge all matters with integrity and impartiality, free from any judicial, economic, political or administrative bias.**
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- ▶ **Strive for the highest levels of excellence and keep up to date concerning all matters of professional concerns, both technical and institutional, including pertinent legislation, regulations and guidelines, through constant education.**
 - ▶ **NEVER** use the funds of a client for any purposes other than those you have contracted for.
 - ▶ **Accept responsibility for advice given and withdraw if the client requires you to take contrary positions.**
 - ▶ **Give free advice where necessary or for a fee, realizing your advice must meet the needs of your client. The quality of the advice should be the same regardless if there was payment or not.**
 - ▶ **Listen to your inner self. If you feel uneasy-DON'T**
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You, Smith, a registered surveyor and your close friend, Jones, a technician decide to form a partnership. Ethical? If you do the two of you wish to place a sign in front of your building.

- a. Is there any problems with Smith & Jones, Surveying Associates ?
- b. Is there any problem with Smith & Jones, Surveying Professionals?
- c. Is there any problem with Smith & Jones, Surveying Services ?
- d. Is there any problem with Smith, P.L.S. & Jones, L.S.I.T. Or Smith, P.L.S. & Jones, C.S.T.? Does this apply to both the sign and the letterhead?

The following are actual situations
were the names have been changed

- ▶ **A developer asks you to submit proposals**
- ▶ **and bids for a subdivision. You are high**
- ▶ **bidder. He gives it to the low bidder. After**
- ▶ **several months of problems (he developer**
- ▶ **comes to you and admits concerns as to the**
- ▶ **work being done. He asks you to come in**
- ▶ **and finish the work on the basis of your**
- ▶ **original bid. What should [would | be your**
- ▶ **response. Any conditions?**




- ▶ **You, the surveyor is asked to do a mortgage**
- ▶ **loan inspection in a new subdivision. In**
- ▶ **surveying the lot, you discover the developer**
- ▶ **apparently filled in wet lands in order to**
- ▶ **have access to your lot. You are certain no**
- ▶ **permits or variances were obtained from the**
- ▶ **necessary authorities. You note in your**
- ▶ **report and on the plat the wetlands and**
- ▶ **your concerns. You receive a call from the**
- ▶ **buyer's attorney and she directs you to**
- ▶ **remove the note from your plat and modify**
- ▶ **your report.**
- ▶ **You know that if you did no one will ever**
- ▶ **know and the problem will 'never be brought**
- ▶ **to light. What to do? Business or ethical**
- ▶ **problem**


- ▶ The surveyor was asked to do a survey of a fairly large rural parcel that the surveyor once owned. In doing the survey major problems were found with the lines. They had been surveyed years ago by a surveyor who is now retired. As a result of these erroneous line location a house now stands on the 12 acres. Research indicates the error was probably a result of vague and poor descriptions.
- ▶ Luckily you found an ancient document in the courthouse that could solve the problem. It is a plat of the original partition of the parent parcel describing fences, stone walls, road and many other boundary locations. Unfortunately this document will not solve your clients problem, but it will show the errors in your lines. What to do?


ETHICAL SITUATIONS FROM REAL LIFE


- ▶ **You conduct a survey for your client and you determine his boundary line actually cuts off his porch. The neighbor asks you where the line is and you show him and tell him the porch actually is on his property. What ethical code did you breach?**




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- ▶ **Later it is determined you were wrong and you mislocated the line**
 - ▶ **by 11 feet. What ethical responsibility do you have. To the neighbor? To your**
 - ▶ **client**
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- ▶ **What ethical obligations are involved when a surveyor discovers that another surveyor's plats, regardless of the circumstances, always seem to show the original plat measurements? They never vary. You suspect he never does any field work. What do you do?**
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- ▶ **What ethical obligations does a young or middle age surveyor have when it is discovered that an old surveyor who has done excellent work for over 40 years is getting sloppy and forgetful to a point that many blunders and errors are discovered in his work?**
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- ▶ **A surveyor signs a contract for a survey and receives a \$5,000 retainer. The**
 - ▶ **surveyor cannot start work for two weeks. Any ethical problems?**
 - ▶ **He uses some of that money to meet payroll on Friday night. Any problems?**
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- ▶ **Two years ago, the surveyor performed a boundary survey for a neighbor. The retracement survey required considerable research and field work. The surveyor chose not to charge for all of the time spent on the work that was done. The neighbor now wishes to have her corners monumented and lines marked. A competitor surveyor quoted a price of \$1,000. The original surveyor, using the prior information, can do the job for \$150. How much could be charged for the work? Should charges be for value received or for work expended? What ethical considerations?**
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- ▶ **A surveyor reads in the local paper the following classified ads:**
 - ▶ **1. "Get the land your deed says you should have. I guarantee satisfaction, or your money back. Call Sam's Surveying."***
 - ▶ **2. '* Protect your land with an invisible fence, a land survey. * Let me locate your invisible fence for your protection. Call Pete's Surveying"**
 - ▶ **Are there ethical or moral obligations on you? On Pete? On Sam?**
-
- ▶

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- ▶ A surveyor bid a job knowing the bid was low and would be accepted. Also it was known that a large amount could be made by overcharging for extra work that would be needed. What ethics have been violated, if any?
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- ▶ The surveyor agrees to a lump sum fee of \$2,000 to subdivide a parcel. After the surveyor obtains approval from the municipality for the subdivision, a demand is then made for the \$2,000 plus an additional \$500 for administrative work in getting it approved. The landowner demands the plats, and the surveyor refuses to hand over any information unless full payment of \$2,500 is received. Any violation of ethics
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- ▶ The surveyor agrees to a lump sum fee of \$3,000 to design a subdivision. In doing so the developer asks the surveyor to stake a house on a lot that will be retained. After all work is completed and approved, the surveyor submits the bill for \$3,000 plus \$150 for the house location. The surveyor refuses to hand over any plat until the full amount is received. If the developer pays the \$3,000 does the surveyor have an ethical obligation to submit the subdivision plan?
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- ▶ A country club seeks bids to do a **boundary survey**. Three bids were received; \$2,700, \$2,800 and \$2,000. The country club accepted the low bid. The surveyor set wooden stakes at the corners and hung flagging along the lines. The country club insisted on permanent monuments and the surveyor quoted an additional \$1,000 to do this, to write a description a report and prepare a plat.
Ethical?
 - ▶ Using the same situation above, would it matter if the surveyor set permanent monuments, made a plat and a report, but only turned his Held angles once and did not double check his distances?
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- ▶ A city seeks to have a boundary survey of the city landfill. You, the surveyor, know that another surveyor (No. 2) has conducted extensive research several
 - ▶ months ago in the court house and also did some field work in that area. Your past relationships with Mr. 2 has been very good, in that he has always shared his information with all surveyors in your area, for no charge. You prepare a bid for that new survey and rely on your hope of getting the information from 2, free, at no cost.
 - ▶ Surveyor 2 also bids on the survey and based on the date that was collected earlier. Surveyor 1 got the low bid by a considerable amount.
 - ▶ a. What are the ethical considerations of this?
 - ▶ b. Would they be different if 2 did not bid?
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- ▶ The client gave the surveyor a deposit of \$2,000 to be applied to future billings. The money was placed in an interest bearing account. After a period of time the money accumulated a total of \$120 interest. What ethical considerations?
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- ▶ **c. Would the ethical considerations be different if they were friends and always shared data before this?**
 - ▶ **d. Would the ethical considerations be different if I had obtained the data from 2 earlier, before either knew of the job?**
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- ▶ **The surveyor agreed to perform a boundary survey for a client. You need one critical piece of information that's in the files of surveyor 2. You asked surveyor 2 for a copy and you were told 'Til give it to you for \$200.' What ethical considerations do you see under these situations?**
 - ▶ **a. Would it matter if the client was an other surveyor who wanted the property**
 - ▶ **surveyed by an unbiased person?**
 - ▶ **b. Would it matter that your costs in time and effort to get the same**
 - ▶ **information would exceed \$200 or the actual cost can not be determined and is not known at that time.**
 - ▶ **c. Would it matter that some of the information you need is only available from**
 - ▶ **surveyor 2 and it is needed to do your work. Such as "that property**
 - ▶ **shown on a plat by Abraham Kindle dated June 9, 1878." And that is the only plat known.**
 - ▶ **d. Would the ethical considerations change if the other surveyor simply refused**
 - ▶ **refused to give you the information? Regardless of the price.**
-
- 


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- ▶ **After reading the licensing requirements you discover registration could be granted either with 4 years college or 6 years experience. You do not believe the 6 years either with experience is equal to 6 years experience. You have new business cards printed as follows:**
 - ▶ **a. College Graduate & Licensed Surveyor. OK?**
 - ▶ **b. College Equivalency & Licensed Surveyor. OK?**
 - ▶ **c. How about "College through Training & Licensed Surveyor."**
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- ▶ **While doing a subdivision the surveyor fails to set the monuments at the back corners on all of the lots. After the lots are sold the surveyor sent letters to the new owners stating: "Can you find your corners? Do you know where they are? We will locate and mark your corners for \$200, or \$100 if your neighbor will share the cost. Ethical?**
 - ▶ **a. Would your answer be different if the surveyor had marked the points with**
 - ▶ **nails set flush with the ground, and that what was called for?**
 - ▶ **b. Would your answer be different if the contract called for setting concrete monuments 3 inches below the surface and the plat called for them?**
-
- ▶


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- ▶ **At a local chapter meeting of the Surveying Society, several members complain about the shoddy work of one of the competition. They have evidence but no positive proof of the alleged shoddy work. Yet they continue to make the disparaging remarks. Ethical violations?**
-
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- ▶ **Surveyor 1 is aware that surveyor 2 routinely fails to meet MTS requirements of**
 - ▶ **setting monuments at all corners. In a recent survey of the John Smith tract Surveyor 2 failed to set the monuments at the back corners where John Smith, an elderly man could not see them. In doing a survey for a client, Surveyor 1 was told by the neighbor that he had hired Surveyor 2 to survey his lot. Should Surveyor 1 tell the neighbor that Surveyor 2's work does not meet the MTS set by the state? Ethical?**
 - ▶ **Would your answer change if Surveyor 1 had told the neighbor that Surveyor 2 had failed to meet MTS requirements by not setting monuments?**
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- ▶ **Surveyor I has knowledge that a forester who is doing surveying work along with**
 - ▶ **his forestry practice is an unlicensed surveyor. Should the surveyor tell the forester's client that the forester is an unlicensed surveyor? How to handle it**
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- ▶ **Is it ethical for a surveyor to perform a closing survey with his payment contingent on the house closing?**
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- ▶ **You visit an engineer-surveyor's office to discuss a problem. While waiting you**
 - ▶ **notice an employee talk on a phone apparently to a client. You then notice the employee go to the plat drawer, take a plat out that has been sealed by a surveyor who no longer works there, make a change on the date, make a new copy and place it in an envelope and place it in the mail. What ethical considerations are involved? What should you do?**
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- ▶ **Can a surveyor ethically survey a common boundary between two family members?**
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- ▶ **As a surveyor you start a survey without a written contract. You commence work**
 - ▶ **but your client is slow in paying.**
 - ▶ **a. Can you ethically refuse to continue work?**
 - ▶ **b. The client gave you a retainer of \$2,000 and you have spent \$3,000. Can you refuse to continue?**
 - ▶ **c. What would your answer be if the client pays, but he is always late?**
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- ▶ **As a surveyor you survey and plat a subdivision with payment contingent on the sale of lots. You will receive a percentage of each lot sold. You refuse to set any pins at the lots until they are sold and you receive your money. The subdivide sells lots and improvements are made. The new lot owner demands you come and set his pins. Can you ethically refuse?**
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- ▶ **Several years ago you performed a survey, and in the course of the survey you**
 - ▶ **noticed your client was encroaching on the next lot. Your client asked you to keep this to yourself and tell no one because he hopes to perfect adverse possession on his neighbor's strip of land. Now the neighbor asks you to survey the line. Can you ethically do it?**
 - ▶ **a. A different answer if you were not asked to keep it secret?**
 - ▶ **b. What if your client sold the property to a third party. You had no professional relationship with the present land owner.**
 - ▶ **c. What if the original client never paid the bill and still owed you for the survey**
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- ▶

A surveyor is asked to locate the lines on a lot of an elderly lady. In doing his research the surveyor discovers two of the lines adjoin a lot are owned by the lady's sister. Can or should the surveyor survey the lot?




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- ▶ **Two neighbors wish to have a joint survey of their lines performed by you. One of**
 - ▶ **the land owners lives out of state while the second lives on his lot. They agree to share the costs, whatever they are. During the survey your party chief discovers the septic tank of the resident landowner encroaches over the line of the out-of-state owner. He tells you and you then tell the resident owner. The resident owner reminds you, the surveyor, " Listen, you were only hired to locate the boundaries and not show encroachments.** Do you see any ethical obligations to the resident owner? To the out-of-state owner?**
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- ▶ **The surveyor operates a part time surveying business on weekends. During the week he is employed as an engineer by the city. During a weekend survey, the surveyor discovers his client erected a building without getting a building permit from the city engineer's office. What are the surveyor's ethical obligations. To the city? To his client?**
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- ▶ **Two land owners, A and B, have not been on a friendly basis for years. The surveyor knows this. Mr. A hires the surveyor to locate his boundaries, including a fee simple easement. He shows the easement owned by B off A, his clients property. He prepares a plat and files it. Two weeks later the surveyor buys a new pickup truck and a new shotgun, after surveying the same right of way for B. This time he locales it in a different location, which is on A's property and it cuts off A's access to his back lot. The surveyor files an amended plat, and sends a copy to an attorney whom he knows that did A's closing many years ago. He never let A know. B erects a fence across A's land and cuts him off. The surveyor refuses to talk to A, saying "I made a mistake when I surveyed it for you." What are the ethical problems, if any?**
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- ▶ **The surveyor serves as a volunteer on the county planning board. The surveyor is asked to do a subdivision survey for Mr. A that must ultimately be submitted to the commission. Is it OK for surveyor to do the survey?**
 - ▶ **a. Would you answer differently if Surveyor 1 asked a friend, Surveyor 2 to do the job. But Surveyor 2 also serves on the planning board of the neighbor county. They have an unwritten agreement to exchange jobs in each other counties?**
 - ▶ **b. Would your answer be different if there is another outside consultant on retainer to substitute when situations like this arise?**
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- ▶ **A surveyor was elected as recorder of deeds in his county. His job is to check all**
 - ▶ **deeds as they are recorded. He continued to survey on a part time basis. Many times he finds deeds and descriptions that are defective. He advises the land owner to have a survey made of their land.**
 - ▶ **a. Is it ethical for the surveyor to hand the landowner a his surveyor's business card ?**
 - ▶ **b. Would your answer be different if he did not hand a card, but when the landowner asked "Do you know a surveyor who will do it for me?"**
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- ▶ **A surveyor is asked by a Realtor to do a survey for a buyer who needs a mortgage.**
 - ▶ **The surveyor notes on his survey plat that a footpath crosses the lot at one corner. The closing plat is sent to the Realtor. He asks the surveyor to remove the footpath from his plat. Ethical?**
 - ▶ **a. Would the answer be different if the bank asked the surveyor to remove the footpath?**
 - ▶ **b. Would the answer be different if the closing attorney who represents the seller asks the surveyor to remove the footpath?**
 - ▶ **c. Would the answer be different if it were not a footpath but a fence? A driveway?**
 - ▶ **d. Would the answer be different if the Buyer's attorney called and asked the surveyor to remove it?**
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- ▶ **The surveyor wants to keep from doing a lot of bookkeeping, like paying**
 - ▶ **workmen's compensation, health insurance, , etc., so former employees are hired as subcontractors. The surveyor bills the client using a 1.5 multiplier. Fee is 1.5 times actual cost of subcontractor.**
 - ▶ **a. Is it ethical for the surveyor to give the party chief a recommendation for the licensing exam?**
 - ▶ **b. Assuming the same fact above. A member of the crew gets hurt and lists the surveyor as his employer. The surveyor gets letters from the hospital and the**
 - ▶ **workmen's compensation board demanding Jyment based on the recent The board of registration notifies the surveyor he has aided and abetted the unauthorized practice of surveying. How can the surveyor ethical respond?**
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- ▶ **The surveyor employs a RLS as a party chief. He is unable to pay him an**
 - ▶ **adequate income. As a compensation he permits the party chief to do weekend work and actually gives him small jobs he does not want. The party chief is permitted to use the surveyors facilities & equipment.**
 - ▶ **a. Any different situation than in 33 above. Ethical?**
 - ▶ **b. The party chief, unknown to the surveyor, uses the surveyor's pre-printed plats to prepare his work. Any problems?**
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- ▶ **A surveyor receives a letter from a neighbor of a client. The neighbor demands the**
 - ▶ **surveyor remove the monuments he set on the line since these were located in the wrong place. The surveyor is convinced the neighbor is wrong. Any obligation to respond?**
 - ▶ **a. Any difference if the surveyor responded in a week explaining what decision were made?**
 - ▶ **b. Any difference if a second letter was received?**
 - ▶ **c. Any difference if the neighbor's attorney wrote the first letter? the second letter?**
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- ▶ **Over a period of time the surveyor has completed many surveys that completely**
 - ▶ **enclose a large parcel of land. The owner of the parcel asked the surveyor to survey the parcel. Actual cost of doing the job new would be \$3,000. With a very minor amount of field work the surveyor can do the job very reasonably. Should the surveyor:**
 - ▶ **a. Not survey the parcel?**
 - ▶ **b. Have the ethical duty to only charge actual minimum costs?**
 - ▶ **c. Have the ethical duty to charge a reasonable cost of what an other surveyor would charge?**
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- ▶ **A client calls asking you to do only technical work. Locating lines between confers**
 - ▶ **on the ground. No plat is needed, no report nor certification. Any ethical problems?**
 - ▶ **a. He gives you a certified plat two months old and states these are the lines he wants. But the plat is wrong and you do not know it. Any ethical problems?**
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- ▶ **As a contract surveyor on a major construction project the contractor runs into many problems that cause you to have cost over-runs. The contractor calls you in and directs you to charge your time to other projects that either have money available or that have cost under-runs. Ethical problems? Do you quit?**
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- ▶ **You prepare a plan for a major subdivision for a client with the promise of being**
 - ▶ **able to get all future surveying. You submit your plan and hear nothing for several months. One day while visiting an architect friend he shows you a subdivision he is completing. It is the one you designed. The developer took your plans to an other surveyor who is doing the work for 2/3 of your proposal. Ethical? What can you do?**
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- ▶ **You, the surveyor is asked to do a mortgage loan inspection in a new subdivision.**
 - ▶ **In surveying the lot, you discover the developer apparently filled in wet lands in order to have access to your lot. You are certain no permits or variances were obtained from the necessary authorities. You note in your report and on the plat the wetlands and your concerns. You receive a call from the buyer's attorney and she directs you to remove the note from your plat and modify your report.**
 - ▶ **You know that if you did no one will ever know and the problem will "never be brought to light. What to do? Business or ethical problem?**
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- ▶ **The surveyor was asked to do a survey of a fairly large rural parcel that the surveyor once owned. In doing the survey major problems were found with the lines. They had been surveyed years ago by a surveyor who is now retired. As a result of these erroneous line location a house now stands on the 12 acres. Research indicates the error was probably a result of vague and poor descriptions. Luckily you found an ancient document in the courthouse that could solve the problem. It is a plat of the original partition of the parent parcel describing fences, stone walls, road and many other boundary locations. Unfortunately this document will not solve your clients problem, but it will show the errors in your lines. What to do?**
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- ▶ **You, Smith, a registered surveyor and your close friend, Jones, a technician decide**
 - ▶ **to form a partnership. Ethical?**
 - ▶ **If you do the two of you wish to place a sign in form of your building.**
 - ▶ **a. Is there any problems with Smith & Jones, Surveying Associates ?**
 - ▶ **b. Is there any problem with Smith & Jones, Surveying Professionals?**
 - ▶ **c. Is there any problem with Smith & Jones, Surveying Services ?**
 - ▶ **d. Is there any problem with Smith, P.L.S. & Jones, L.S.I.T. or**
 - ▶ **Smith, P.L.S. & Jones, C.S.T.? Does this apply to both the sign and the letterhead?**
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- ▶ **A developer asks you to submit proposals and bids for a subdivision. You are**
 - ▶ **high bidder. He gives it to the low bidder. After several months of problems the developer comes to you and admits concerns as to the work being done. He asks you to come in and finish the work on the basis of your original bid. What should [would) be your response. Any conditions?**
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