



Moonlighting In The Surveying Profession

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I would like very much to quote a portion of the President's Report of our Association published in our Annual Report dated January 1963:

"Do we in New Brunswick want to adopt the system used in some European countries in which all surveying is done by Government Agencies or do we want to continue our present system in which surveys for private land owner will be done by surveyors in private practice. I believe the majority of New Brunswick citizens including surveyors want to continue our present system. If this is the case, then we who are employed on a salaried basis by Government and Private Companies must do all in our power to strengthen the private surveyor so that he can provide survey service of professional standards and at reasonable rates. We are not doing this when we do surveys for private individuals when a qualified private surveyor has the time to do the work.

"I know a number of us in the past were more or less forced to do work of a private nature because there were no surveyors in private practice to do it. Furthermore, a lot of the work we are doing today is a continuation of those jobs and we feel an obligation to the client to complete the job. The answer to this problem is to contact a surveyor in private practice in whom we have confidence and turn over to the private surveyor the necessary plans and field notes at the actual cost of reproduction. (We have already been paid by the client for the preparation of the originals.) and obtain a pledge from the private surveyor that he will do the necessary research work at his own expense to enable him to complete the survey project efficiently. Then inform your client that you are not doing any more private work and that such a private surveyor is prepared to do the work at reasonable rates if they care to employ him. That way I believe you have fulfilled your obligations both to the client and the surveyors in private practice.

"The other problem area for the salaried surveyor is the small day or half day job of an urgent nature in an area served by a surveyor in private practice and which the private surveyor is unable to do in time or the small job in an area that would entail excessive travel time and expense if the would-be client were to employ a surveyor in private practice. I believe it is ethical and in the public interest for the

salaried surveyor to do these jobs provided he does the work on his own time, pays for the materials used and charges at least the minimum tariff."

A Labour Word

In the professional field there is no such word as "Moonlighters". It is a labour and an unionistic word. We are neither labourers or members of any union and I personally have no intention of entering the labour field. But it appears that some among us do.

We do not look at a doctor who comes to attend us at nine or ten o'clock at night as "A Moonlighter". A lawyer who maybe works all night studying law cases to defend us in court — we don't call him "A Moonlighter". So why do we call a professional surveyor who takes time that his employer is paying him for to use for his own personal gain, "A Moonlighter"? I think that there is a far better word for him.

When we refer to Moonlighters, the question seems to be "What is the difference between one who has a professional outlook and one who has not?" In other words, what is the difference between a professional surveyor and a surveyor? Most surveyors claim to be professional men but seldom do we see in print what constitutes professional conduct.

A profession is a self disciplined group of individuals who hold themselves out to the public as possessing special skills derived from training and education and who are prepared to exercise their skills primarily in the interest of others.

A Profession is a Group

In the first place, a profession is a group. You do not have a profession consisting of one person. Secondly, it is **self-disciplined**. This indicates a considered determination of its aims as well as its rules of conduct. Thirdly, those comprising it hold themselves out to the public as possessing special skills, that is, they claim to have special qualifications and the public should be in a position to rely upon this representation. Lastly, a profession exists for the purpose of serving others. In other words, a profession is not organized for its own advancement or the private personal gain of any member.

Professional status cannot be obtained by self proclamation. It must be earned and others must bestow the title on the profession. It is very pleasant to have public acclaim, but probably the truest test in a profession is the esteem in which one is

held by his colleagues. In all professions, of course, jealousy and other unprofessional attitudes may creep in and a surveyor who is respected and admired by other surveyors has earned respect the hard way. The surveyor who is known as "The Surveyor's Surveyor" is paid the highest compliment that can be given him. A professional surveyor who is well regarded by his colleagues is in a happy situation and is well on the way to not only a successful but a most enjoyable career. I have never heard praise given to any so-called "Moonlighters". The lazy say, "Give me the prize without the training", "The wages without the work", "A profession's prestige without a professional skill". Fortunately, professional status is something that must be earned not merely claimed.

Must Earn Right

If the surveyors want to acquire and maintain a professional reputation, they can only earn that right by the average standing of all.

To be a successful professional surveyor a man must have more than a narrow technical education. Technical Education has to do with "Things" — Professionals with "People". Things cannot be persuaded — humans can. All the technical knowledge in the world is of little value unless a person can also convey his knowledge to others. The manipulation of things — of the transit, of the calculator, do not constitute a professional standing. Professionals persuade and manipulate people in a correct direction.

Formal education is not necessarily the only means of acquiring knowledge. It can be obtained by experience and self effort. Education is not training, but is a development of the thinking facilities of the individual. Education and knowledge is one thing that cannot be purchased. Each individual must acquire it by his own effort. The major obstacle in the development of surveying as a learned profession is the present low requirements for the right to practice. Until such time as the knowledge requirements are raised, surveyors in the minds of others, will be regarded as an inferior profession. The so-called "Professional Surveyor" whom we are admitting to our association today, is not as qualified in the practical aspects of surveying as the surveyor was ten years ago and those surveyors who recognize this fact will and do admit it.

A man's knowledge in itself does not
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make him a professional. A professional man has a call of duty beyond a fee and beyond other self interests. The trade mark of a true profession is that it exists and should exist for service to others and that should be the outlook of a professional man. A surveyor should have no dealings whatsoever with a client that are not purely professional. The surveyor should not in any way assist a client in acquiring land that is not rightfully his. He must protect everyone including those not paying the fee. It is bad business for a professional man to borrow from or lend to his client. The professional man who makes a business deal with his client in which he has a personal interest, departs. I suggest, from the straight and professional course and is courting embarrassment and perhaps even disaster, for the obvious reason that he cannot deal with his client on equal terms.

I believe that it goes without saying, that it is the responsibility of every professional man to have both a sense of loyalty and a sense of responsibility towards others in his profession. By a sense of loyalty, I do not mean that he should condone failures to measure up to the standards of the profession, but I think that we all agree that among professional people, there should be no throat-cutting competition. As you can see that it is to his interest, as well as to that of others, to keep the standards of the profession high. A professional man should be far-sighted with his professional interest in view.

An Exclusive Franchise

Professional people are delegated an exclusive franchise for the purpose of protecting the public from the unqualified. These are very special concessions and they must not only be carefully guarded and watched, but members of the profession should realize that we owe a debt to society for them. In addition to these special concessions, of course, all professional people naturally cost the country money. We have possibly paid money to attend Universities or other Technical schools to enable us to obtain our membership in this association. We have sacrificed money and we have sacrificed time, but these training institutes are only partly supported by the fees that are paid. It is the same as courses supplied by our Association. All the members of the association pay for the education of a very very few of us who attend these courses. It costs our association hundreds of dollars a year to help educate us. The opportunity to become Land Surveyors was made available through the united effort of those who comprise our society, not you yourself. If any group should have any sense of social responsibility, it should be a professional group and we are members of this professional group.

Because we charge a fee for our advice and we profess to have superior knowledge, then we assume a liability for the failure to exercise proper care. I think it might be appropriate here to remind you of the rules governing liability of Land Surveyors.

The rule may be stated — every person who enters into a learned profession undertakes to bring to the exercise of it a reasonable degree of care and skill. He does not guarantee if he is an attorney, that he will win every case, or if a surgeon, that the operation will be a success. Nor does he undertake to use the highest possible degree of skill, but he undertakes to bring a **fair, reasonable and competent degree of skill**. The degree of skill required is such as may be expected in the circumstances of time and place, from an average person in the profession, one neither specially gifted or one exceptionally dull. Each case depends upon its own circumstances and when an injury has been sustained that could not have arisen unless from the absence of reasonable skill and diligence, then there is liability.

The courts have taken a positive stand that all surveyors are liable in the same manner as other professional people. This is proof of professional standing, but it is not proof of the degree of eminence of standing, nor is it prima facie evidence that everyone thinks surveyors are professional men. This can be seen very easily from the struggle that the civil servants had in trying to obtain a professional standing in the civil service. The private practicing surveyor didn't have to fight for this standing. One of the greatest deterrents to substandard professional practice is liability. Although liability to an individual may be considered as a disadvantage, it is an advantage to the profession as a whole.

Without liability, those who are willing to accept professional prestige, yet willing to do substandard work for less money, will soon ruin any professional standing. Punishment of the careless and indifferent soon improve lagging professional attitudes. Money in itself, does not enter into the definition of any profession. Anyone whose primary interest is in private gain should never try to enter a profession, especially the Land Surveying Profession, because few professional men die wealthy and those that do usually obtain their wealth from other sources, not from their fees.

Not Chief Reward

A good professional man can, of course, expect a modest income, but to anyone who is professionally minded, this is not the chief reward. Their outlook sees far beyond this, for the man who is true to his profession, the horizon is much wider. True professional fees are not dependent on physical labour or force applied. Personal knowledge gained through experience and education create the demand, rather than

the size of the muscle in the arm.

That branch of moral science which treats the duties which a member of a profession owes to the public, to his profession, and his client is called "Ethics".

In any profession the rules of ethics are a general guide. A general guide of conduct and behavior. It is not sufficient that the surveyor alone feel that he is honest and has integrity. The public, the clients and fellow surveyors must also believe it. The true observance of ethics lies in the opinion of others. If the surveying profession is to maintain a respected position in the community, we must look beyond the club to ethical standards which prohibit the doing that which the law does not forbid. I cannot believe that anyone who has graduated from the Nova Scotia Land Surveying Institute would practice unethically, because stated in Don Thompson's book "Men and Meridians", volume three, where he describes the Lawrencetown School, he states:

Ethics

"Ethics — Ethical Conduct in the practice of the profession as taught at the school was based upon the principle that a client is entitled to the best service that could be performed for him and that the surveyor must at all times carry out his task uninfluenced by friendship and unaffected by mercenary consideration. Major Church possessed a profound sense of right and wrong and his standards of conduct were communicated effectively to his students by example as well as by precept."

As an example, it goes along a little bit farther that Major Church never yielded to pressure when he felt that his just rights were in jeopardy. In negotiations, he was famous for never 'Beating around the Bush', and on one memorable occasion, in a letter to a highly placed government official in which he indignantly complained about the quality of certain instruments in the school's equipment room, he wrote that the appliance was about as useful as Mammary glands on a boar pig. Maybe some of our so-called "Moonlighting Surveyors" are as useful to our Association, as Mammary Glands would be on a Boar Pig.

The surveyor has four obligations to the public and they are: One — to see that the client's boundaries are properly monumented without subtracting from the rights of the adjoiner. It is very often discovered that the abstract and deeds presented to us by lawyers and clients do not cover all that we are involved with and we should and must do our own research when this occurs and not depend upon the evidence passed to us.

Secondly, we are not to stir up property disputes. According to common law, it is a crime to provoke litigation and this crime is known as 'Maintenance'. If the offender

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in a land boundary case is a land surveyor, he is doubly at fault. A surveyor may act as an arbitrator — never a judge. The greater majority of time that I have represented clients in a court of law, the other surveyor was the so-called 'Moonlighter'.

Thirdly, we are not to aid in unauthorized survey practices. No surveyor should present his name to be used in aid of, or to make possible the unauthorized practice of surveying by any agency, personnel, or corporation, the signing of signatures for a fee such as certificates, plans of surveys, not performed by himself, his employees or anybody directly under his supervision.

Fourthly, to see that those licensed as surveyors are properly qualified by character, ability and training and that those who prove unworthy of these privileges, have these privileges deprived. Occasionally, those who are licensed prove themselves by their conduct, unworthy of licensing and should have these privileges removed. Surveyors are better able than laymen to appraise the qualifications of the surveyor. If the surveyor is frequently negligent in his duties, the fact will be noticed by several surveyors who as a group or as an individual can, and should prefer charges.

Ethics prohibit the surveyor from falsely or maliciously harming the reputation of another. This does not prohibit any surveyor from giving proper advice to those seeking relief from negligent surveyors. Surveyors must expose at the proper time and place, dishonest conduct in their profession.

It is unethical for one surveyor to compete with another surveyor for employment on the basis of professional charges by reducing his usual charge. A surveyor may not properly make a competitive bid for professional services nor may he use reduced fees to entice a client from another. A former employee who is now starting

his own business may not properly attempt to induce his former employer's clients to turn their accounts over to him nor can he send announcements of his new office to the clients of his former employer. It is also unethical to use information from your employer's or your former employer's files for your own personal gain. (without his permission)

In determining customary charges, it is proper to consider a schedule of minimum fees adopted by the Association, but no surveyor should be controlled by it. It should only be used as a guide in determining the amount of his fees. Minimum fees schedules are only a guide and can never be a binding agreement between surveyors. Anti-trust Laws prohibit price fixing. One thing is certain — professional standings can never be obtained by self proclamation. If a person wants professional standing, he must earn it and others must bestow that title on him. Our so-called

'Moonlighters' are not earning it, and others are definitely not bestowing the title on them.

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ANSWER TO LAST ISSUE CROSSWORD PUZZLE

