

PART TIME LAND SURVEYING PRIVATE PRACTICE

Mr. Chairman, Members of the Property Surveys Division, Guests, Ladies and Gentlemen:

As you know, by the introduction, my name is H. L. Williams from Jacksonville, Florida and I am employed by the Office of the City Engineer.

I was requested by Mr. Victor H. Ghent, Secretary of this Division to be a panelist on this program after being recommended by Mr. Hugh A. Binyon, President of the Florida Society of Professional Land Surveyors. I deem it a distinct privilege and honor to have been requested to present my views on this subject. There are many reasons why I welcome the opportunity to discuss the part-time surveyor and feel that we are mature enough to have a frank, open pro and con discussion of him and his activities.

We part-time surveyors have been called various names such as, Week-end Warriors, Wild-Catters and a new one I recently heard, Sundowners. Let me point out that before we could take the State Board Examination, in many instances we were recommended by one or more private practitioners who knew in all probability we would be practicing to some degree. Regardless of the name one wishes to call us, we part-time surveyors are still supposed to, and do, uphold the code of ethics for Professional Practitioners. This code of ethics, I feel should be strictly adhered to by both private and part-time practitioners. Yet, if we are to be completely honest, we must admit that there are those in private as well as part-time practice who have no code of ethics at all. Why, then, must we who honestly and conscientiously try to do a good job and abide by the Code of Ethics, be

criticized and condemned simply because our work is part-time? If the Professional Practitioner would judge or accept each part-time surveyor individually on the professional quality of his work rather than placing all "Wild Catters" in the same category, eventually a better relationship would develop between both parties.

There have been many complaints against both private and part-time surveyors such as price-cutting, maliciously or falsely criticizing each other; some are justified but equally as many are not justified. If the private practitioner would accept the part-timer who wants to work with them and cooperate with them to uphold the profession, some of the complaints would be eliminated to the benefit of all, especially to the general public.

If the part-time surveyor has enough initiative to work, study, prepare himself, and has been recommended by some of the local private practitioners for registration, he should be commended and not criticized provided he is morally, ethically, and financially responsible; and provided his work is of the highest caliber, and provided he performs such work on his own time with his personally owned equipment and at a fee level comparable to those charged by other responsible surveyors in his area.

The main complaint, in my opinion, from the private practitioners is relative to the fees charged by the part-timer. On this complaint, I fully agree, for who gets the benefit of price-cutting? Nobody!! I feel that ANY practitioner guilty of cutting prices, whether private or part-time should be severely criticized. No longer are they acting in the interest of the profession, but performing professional service with little

or no regard for professional ethics or financial responsibility.

No practitioner can permanently keep up the standard of his work if he persistently cuts prices. He is compelled to give inferior service, cut the wages of his workers and eventually even face the loss of his professional reputation. So again I say, who gets the benefit of price cutting? NOBODY!!

Unfortunately, price-cutting does exist, not only with the part-timers, but among some of our established reputable firms. I would like to point out at this time, that while I certainly do not condone price-cutting there are other practices in existence, which in my opinion, are more unethical than price-cutting. For instance, signing a plat or survey for a percentage of the fee charged by a person who is not registered, or some of the part-timers who are registered, but whose surveys are not acceptable by the Title Companies primarily because they are engaged in work for a governmental agency.

As long as we part-time surveyors are willing to work for a salary, perform all of the professional services in relation to subdivision or acreage surveys, some of the private practitioners are delighted to use us, especially on week-ends. However, they are opposed to our being approved by the Title Companies on an individual basis although we are competent and efficient enough to perform services for them.

Would you, as a licensed surveyor, like to ask your client if he intended using the survey for title purposes, and if so, your survey would not be acceptable because you were a governmental employee? Then, in an effort to obtain approval of the Title Companies you offer to post bond or

meet any requirements necessary for their protection, you are advised that you must be financially responsible, and have three (3) or four (4) recommendations from responsible surveyors in your area. When the private practitioner is approached he, of course, advises that he cannot very well recommend you because you do ONLY part-time work or that you are a governmental employee, yet in many instances he may be the same private practitioner who recommended you as being eligible and qualified to take the State Board Examination.

The question of financial responsibility keeps "popping up" from private practitioners and Title Companies that the part-timer isn't financially responsible. What is financial responsibility? Is it having an office elaborately furnished and field equipment? Is it cash one has in the bank, bonds or other securities one holds, real estate owned or just one's reliability or material worth? There are some governmental employees working as part-time practitioners who are making an honest, sincere effort to practice Land Surveying through the legal and/or title approaches; who are worth as much, or have as much collateral, as some of the private practitioners.

Why, then, does the part-timer make surveys in face of all the restrictions and criticisms? Not only because of the additional financial contribution to his family, but as a means of fulfilling a long desired ambition of building up a clientele and establish a reputation by the time he can retire, or feels that he can afford to resign for full-time practice. In some instances the part-time surveyor is in a position to turn out a better survey than the private practitioner. Not that he is a better surveyor, or more qualified than the private practitioner, but because he is

making the decisions and performing the work himself and in performing the work he gets the information first hand instead of from field notes brought in by a party chief who may have inadvertently omitted some important information.

Due to my efforts to have the qualified part-timer accepted, I would like to read a resolution entitled, "Governmental Employees as Private Land Surveyors", submitted to the Board of Directors of the Florida Society of Professional Land Surveyors by Hugh A Binyon, H. O. Peters and Carl Johnson, Special Committee for the Resolution.

"GOVERNMENTAL EMPLOYEES AS PRIVATE LAND SURVEYORS"

"Most all organizations pass pro or con resolutions to establish their policy. When the proposition is a mere choice between white and black, the wording is simple, but when the proposition concerns a phase that is desirable only under certain specific conditions, the wording of a resolution becomes involved - often to such an extent that the reader becomes perplexed; skips to the next item or page; and by so doing he nullifies the purpose of the resolution which is to publicize, emphasize, and/or clarify the policy of the resolving body.

Sometimes a clear, concise resolution may be passed by the resolving body which conveys full meaning to members of that body but which fails to convey full understanding to the parties which it intends to reach.

The Florida Society of Professional Land Surveyors have such a resolution under consideration which is aimed primarily to reach the Florida Land Title Association and The Florida Bar.

A more complete understanding of the resolution is made possible with the following facts in mind:

There are several types of surveying - but for our purpose they may be generally divided into two classifications. The broad classification being "Engineering Surveying" which is based on accurate and precise work in establishing points in reference to horizontal and vertical planes with the mathematical precision required for geodetic maps and construction work. The other classification is "Land Surveying" which requires the abilities needed for Engineering Surveying plus a knowledge of (a) law concerning real property (b) the history and methods of surveying used in the past for the conveying of real estate (c) court records; and large amounts of judgment, patience, and persistence in order to establish (or re-establish) land lines "beyond all reasonable doubt" when mathematical precision is secondary or impossible.

With two exceptions no college or university has taught Land Surveying in the past (except for the original subdividing of the public domain); and not over 10 colleges or junior colleges in the United States are making an attempt to do so today. Several state universities are developing "Short Courses for Land Surveyors" in cooperation with the various State Land Surveyor organizations.

The Florida Society of Professional Land Surveyors and the Department of Civil Engineering, realizing that this lack of such education exists, cooperated to develop a short course in Land Surveying. The first session of this course was held from June 1st to 5th of this year - and all instruction was by members of Florida Society of Professional Land Surveyors.

Most "Engineering Surveyors" are able to pass the examinations for registration as Land Surveyors as given by most state examining boards - although very few are at all qualified to practice Land Surveying.

There are more than a few engineering surveyors employed by state, county, and municipal offices (who have no other qualifications as Land Surveyors and who have become registered by examination) that are doing "cut-rate" work on weekends (generally with publicly owned equipment) with little or no

regard for professional ethics or financial responsibility. The term "Week-End Warrior" is often applied to men in this classification.

There are however, a few employees of such offices who, in addition to being merely registered by examination, have made and are making an honest attempt to practice Land Surveying thru the legal and/or title approaches; who have a high moral and financial responsibility; who are actively engaged in the study of Land Surveying thru the facilities made available thru the Florida Society of Professional Land Surveyors in cooperation with the University of Florida; who own and use their own equipment; and who are not "cut-rate and cut-work" practitioners.

It is this last group which we wish to cover by the following resolution:

BE IT HEREBY RESOLVED by the Florida Society of Registered Land Surveyors: That a qualified Registered Land Surveyor while employed by the State of Florida, or any of its political subdivisions, who has had at least five years experience in Land Surveying (engineering surveying experience excluded); who is morally, ethically and financially responsible; who offers his professional services to be performed on his own time with his personally owned equipment, at a fee level comparable to those charged by other responsible Land Surveyors in

the area concerned; who would otherwise be acceptable to a client except for the fact of his employment; should not have his professional work rejected merely because of his employment.

Submitted by: Hugh A. Binyon

H. O. Peters

Carl Johnson

Special Committee for the Resolution

Approved by Board of Directors

Date October 1959

Secretary FSPIS "

In closing, let me say again, let's judge or accept each part-time surveyor individually on the professional quality of his work, morals, ethics and financial responsibility.