

# Canons of Ethics

**It shall be considered unprofessional and inconsistent with honorable and dignified conduct and contrary to the public interest for any member of the New York State Association of Professional Land Surveyors:**

1. To act for his client or for his employer otherwise than as a faithful agent or trustee.
2. To accept remuneration for services rendered other than from his client or his employer.
3. To attempt to supplant another Land Surveyor in a particular engagement after definite steps have been taken toward his employment.
4. To attempt to injure, falsely or maliciously, the professional reputation, business, or employment position of another Land Surveyor.
5. To review the work of another Land Surveyor for the same client, except with the knowledge of such Land Surveyor, unless such Land Surveyor's engagement on the work which is subject to review has been terminated.
6. To advertise Land Surveying services in self-laudatory language, or in any other manner derogatory to the dignity of the profession.
7. To use the advantages of a salaried position to compete unfairly with other Land Surveyors.
8. To exert undue influence or to offer, solicit or accept compensation for the purpose of affecting negotiation for any Land Surveying engagement.
9. To act in any manner derogatory to the honor, integrity or dignity of the Land Surveying profession.

## **Foreword**

Land Surveying is your profession and, as Licensed Land Surveyors in New York State, the Law has reserved to each of you exclusively the right to practice your profession.

You are presumed to have accepted this right along with the attendant obligations implied by such a mandate which, in order of responsibility, is first to the public, second to the profession and to your colleagues within the profession, and third to you, the individual practitioner.

Because of this unique situation in which the Land Surveyors are placed by virtue of their special knowledge and skill and, as it is with all professions, certain distinctive fundamental qualities of conduct and decorum are assumed.

Only however, by the creation and application of effective and realistic precepts and guide lines within these areas can any profession hope to survive and retain the public recognition and support to which it aspires.

It is important, therefore, that a Profession Association establish within its organizational framework the Fundamental Principles of Professional Conduct that will uphold and advance the honor and dignity of the profession in keeping with its highest standards of devotion, competence, knowledge and skill toward the discharge of the moral obligations it has acknowledged to the public, to the profession, and to the fellow practitioner.

We believe the Canons of Ethics presented here will serve the best interests of the New York State Association of Professional Land Surveyors and its membership.

Adopted September 24, 1966

## Guide to Professional Practice Under the Canons of Ethics

Article 1: "It shall be considered unprofessional... To act for this client or for his employer otherwise than as a faithful agent or trustee."

1. He shall not undertake any assignment which would create a potential conflict of interest between the Land Surveyor and his client or his employer.
2. He shall not disclose information concerning the business affairs of his clients or employer without their consent.
3. He shall not use information coming to him confidentially in the course of his assignment as a means of making personal profit if such action is adverse to the interest of this client or his employer or the public.
4. He shall not divulge any confidential findings of studies or actions of a Land Surveying commission or board of which he is a member, without official consent.
5. He shall not give professional advice which does not fully reflect his best professional judgment.
6. He shall not misrepresent his qualifications to a client, to an employer, or to the profession.
7. He shall not knowingly accept an assignment the results of which he will later act upon as a member of a public or quasi-public board.
8. He shall act with fairness and justice to all parties when administering the terms of any contract.
9. He shall engage, or advise engaging, experts and specialists when in his judgment such services are to his client's or employer's best interests.

Article 2: "It shall be considered unprofessional... To accept remuneration for services rendered other than from his client or his employer."

1. He shall not accept compensation from more than one interested party for the same service, or for services pertaining to the same work under circumstances where there may be conflict of interest without the consent of all interested parties.
2. He shall not accept any royalty or commission on any work for which he is responsible, without the consent of his client or employer.

Article 3: "It shall be considered unprofessional... To attempt to supplant another Land Surveyor in a particular engagement after definite steps have been taken toward his employment."

1. He shall not continue to see employment on a specific engagement after being advised that another Land Surveyor has been selected subject to approval of detailed arrangements.
2. He shall not knowingly accept employment from a client who already has a Land Surveyor under contract for the same work not yet completed or paid for.
3. He shall not, in the event that another Land Surveyor has made a study and report on a specific project, approach the prospective client regarding subsequent phases of the project, unless such contact is initiated by the client.

Article 4: "It shall be considered unprofessional... To attempt to injure, falsely or maliciously, the professional reputation, business, or employment position of another Land Surveyor."

This does not remove the moral obligation to expose unethical conduct before the proper authorities. Neither does it preclude a frank but private appraisal of employees being considered for employment.

Article 5: "It shall be considered unprofessional... To review the work of another Land Surveyor for the same client, except with the knowledge of such Land Surveyor, unless such Land Surveyor's engagement of the work which is subject to review has been terminated and he has been compensated for his work."

The article as state is believed to be sufficiently explicit. However, even though the first Land Surveyor's services have been terminated, it is a matter of common courtesy to let him know that his work is being reviewed.

Article 6: "It shall be considered unprofessional... To advertise Land Surveying service in self-laudatory language, or in any other manner derogatory to the dignity of the profession."

1. The following are considered to be permissible:

a. Professional cards and other factual representations in recognized dignified publications and listings in rosters or directories published by responsible organizations provided that the cards or listings are consistent in size and content, and are in a section of the publication regularly devoted to such professional cards. Information given must be factual, dignified, and free from ostentatious, complimentary or laudatory implications.

b. Brochures and other factual representations of experience, facilities, personnel and capacity to render service, providing they are not misleading with respect to the Land Surveyor's direct participation in projects described.

c. A statement of his name or the name of his firm and statement of his type of service posted on projects for which he renders services.

d. Preparation or authorization of descriptive articles for the lay or technical press, which are factual, dignified and free from ostentatious or laudatory implications. Such articles shall not imply anything more than his direct participation in work described.

e. Permission by a Land Surveyor for his name to be used in commercial advertisements, such as may be published by dignified notation acknowledging the Land Surveyor's participation in the project described.

Article 7. "It shall be considered unprofessional... To use the advantages of a salaried position to compete unfairly with other Land Surveyors."

1. He shall not engage in outside Land Surveying work to an extent prejudicial to his salaried position or detrimental to established Land Surveying services, or which would result in a conflict of interest.

2. If permitted by his employer, his outside activities should preferably be confined to consultation on phases of Land Surveying for which he has special qualifications not inherently available in usual Land Surveying practice.

Article 8: "It shall be considered unprofessional... To exert undue influence or to offer, solicit or accept compensation for the purpose of affecting negotiations for any Land Surveying engagement.

1. He shall not make political contributions for the purpose of influencing the selection of Land Surveyors on future engagements.

2. He shall not give or receive any payments for the purpose of influencing the selection of Land Surveyor for any Land Surveying engagement.

3. He shall not create obligation on prospective clients or employers through extravagant entertainment, gifts or similar expenditures.

4. He shall not engage in "fee splitting" or other distribution of fees for other than services performed and in proportion to the value of such services.

5. He shall not solicit or accept a Land Surveying engagement, or submit a proposal or contract covering Land Surveying services when such payment is contingent upon results supporting a predetermined conclusion.

6. He shall not request, propose or accept a Land Surveying engagement on a contingent fee basis if the contingent basis or the contingent services performed influence the selection of the Land Surveyor.

Article 9: "It shall be considered unprofessional... To act in any manner derogatory to the honor, integrity or dignity of the Land Surveying profession."

1. He shall not be associated in responsibility for work with Land Surveyors who do not conform to these ethical practices.

2. He shall express an opinion only when it is founded on adequate knowledge and honest conviction while he is serving as a witness before a court, commission, or other tribunal.
3. He shall not issue statements, criticisms, or argument on matters connected with public policy which are inspired or paid for by private interests, unless he indicates on whose behalf he is making the statement.
4. He shall not endorse products or processes in commercial advertisements.
5. He shall refrain from expressing publicly an opinion on any Land Surveying subject unless he is informed as to the facts relating thereto.
6. He shall exercise due restraint in criticizing another Land Surveyor's work.
7. This article appropriately may be considered as a summation of the Canons of Ethics for Land Surveyors. It requires that a member of the New York State Association of Professional Land Surveyors shall act in accordance with high standards of moral conduct under any and all circumstances.