



By Joel Leininger, LS

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Relatively Speaking

Sooner or later it happens: one of your friends or relatives asks you to survey their property, or otherwise act professionally on their behalf. Is that all right or do we have a higher obligation to the public concerning impartiality?

Although I have not conducted an exhaustive examination of the surveyor codes of ethics across the country, I have not yet encountered one that prohibits having a relation as a client. Certainly attempting to proscribe working for friends would be impossible (even if it were wise to attempt, which it is not). Merely defining where the line might be between closely-related-client and arms-length-client would be impossible. And pointless. After all, the temptation to skew survey results for a lodge buddy can be equally as strong, or stronger, than that for an uncle. It's not that legislating morals is somehow wrong (or impossible, as those on the political left would have us believe); murder, burglary and robbery all have statutes codifying their illegality, and are also considered by most to be immoral acts. It's that when striking a line between shades of gray, invariably some situations get stranded on the wrong side of the line.

Despite its raising concerns about fairness, I do not think that having close relations as clients precludes actual impartiality. Surveyors are opinionated, and generally care about the image they project. It matters more to them that they are *right*, rather than that they came up with the answer their client wanted. Certainly there are exceptions to this rule (as there are to all rules!), but I believe

the presumption, in general, withstands scrutiny. So I do not believe the hazard is ethical. But there is a practical dilemma.

An Example

Not long ago I received a call from another surveyor asking about the propriety of working for one's brother-in-law. It seems the brother-in-law had become embroiled in a dispute with his neighbor, which dispute was likely to end up in court. Naturally,

work and convince yourself of the correct boundary location. In short, you conduct a normal survey as you would for any client. But your conclusion, in the eyes of your sister and her husband, is *wrong*. "How could you conclude that?? Didn't you review this document? Or see that pipe?" Assuming that you knew of the evidence deemed by your relations to be important, or even dispositive, your continued reliance on different evidence as more persuasive

Business as a result of friendship can be a nightmare.

when ordinary folks find themselves in unfamiliar waters they reach out to people they know seeking assistance. In this case, my friend got the call; afterward, he called me looking for advice. He suspected there might be ethical provisions preventing him from taking on his brother-in-law as a client. As we talked, it became apparent to me that both sides were passionate in their dispute positions. Upon realizing that, I suggested he not take the job if he were interested in preserving his relationship with his kin.

Here's why: Assume for a moment that you agree to assist your sister in a boundary dispute with her neighbor. You agree on a price (even if zero!), research the area, conduct the field

will not be seen by them as a virtue. Suddenly getting you involved doesn't seem like such a good idea to your sister. Moreover, if the dispute escalates to litigation, the discovery process will quickly disclose to the other side the fact that you conducted a survey which now will not to be used by your sister in evidence. You will be subpoenaed quickly by the other side, and might find yourself unwillingly on the opposite side of the dispute. What a fine kettle of fish we find ourselves in now! Still planning on eating Thanksgiving dinner at your sister's house? "Pass the turkey, you traitor!" Oh, wait. What was I thinking? You'll be uninvited for that dinner, and perhaps in the following years as well.

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We have all had occasional disagreements with vendors. This wasn't done quite right, or that wasn't delivered on time. Those sorts of irritations, while very annoying, tend not to impact the balance of our life. Ending up on the opposite side of litigation with your family, against your will, ranks among things that *can* impact the balance of your life. Is it worth it?

Contrasts

I have friends (not surveyors) in business for themselves who routinely draw customers from our mutual circle of friends. At times they perform poorly for their respective clientele, and have destroyed relationships as a result, to the extent of not speaking. This seems to me the result of either a universe of potential customers being so small that they are forced to work for friends, or having so many friends that losing a few (or more) of them is an acceptable cost of doing business. A sad state of affairs.

In contrast, another friend of mine refuses to take work from friends because he values the friendship more than the potential revenue. I once tried to badger him into giving me an estimate on some work, but he would have none of it. "Henry Ford," said he, "opined that friendship as a result of business can be a dream, but business as a result of friendship can be a nightmare." I've not found that quote, but it sounds like something the Old Guy would have said, and anyone who has made friends through business dealings can attest to its truth. My friend referred me to one of his competitors for the estimate.

Dodging Bullets

Our path as surveyors is even more a minefield, for our expertise concerns people's *land*, that most tangible and permanent aspect of their dominion. Missteps in this arena are taken seriously. Perhaps the best course of action when presented with these situations is to recommend a colleague who is competent to do the work and offer to review that work when complete. Two things inject themselves into the equation as a result: First, since they do not know your colleague, your family will automatically assume he is more of an expert on the subject than you (and I realize that is silly, but it is also human nature), and second, in the event they disagree with him, you'll dodge the personal bullet. Pass the turkey. 