

# “MISCLOSURES” NEWSLETTER



Website: [www.lsjaj.com](http://www.lsjaj.com)

Land Surveyor’s Association of Jamaica Newsletter

January, 2022

## Policing the Profession



By: Jeff Lucas

In a 1969 article entitled “The Professional Status of Land Surveyors,” Curtis Brown wrote, “professional liability is a privilege tending to prove the land surveyor’s professional standing.” What Brown was saying is that the “privilege” of liability was a hallmark of true professional status, something the land surveying profession has struggled with for decades if not centuries. After all, it is the professional who will be sued not the technicians.

The two primary policing mechanisms for any profession are board action (all regulated professions have some type of regulatory board), and litigation where professional practice is tested, punished if necessary, and ultimately refined.

Litigation also tends to weed-out bad practitioners. Both of these processes require a standard for the professional practice to be judged against. Generally, boards will pass rules and regulations specific to the profession governed. Litigation will test professional practice against what, in my estimation, has now become the universal standard of care for professional practice—the “reasonably prudent practitioner” standard.

In most professions these two policing mechanisms work fairly well for two primary reasons. The first is that most regulatory boards define correct practice with rules and regulations that define a “standard of practice.” Black’s Law Dictionary defines a “standard” as a “type, model, or combination of elements acceptable as correct or perfect.”

In other words, correct results matter. In the context of boundary retracement land surveying, a standard of professional practice would describe the acceptable elements of “correct” practice, which ultimately leads to “true and correct” results. Correct results meaning the retracement surveyor has utilized correct retracement theory in locating the true and correct property boundaries of land being surveyed (i.e., land surveying).

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### Contact the LSJAJ:

The Trade Centre  
 The Harry G. Armstrong Suite  
 Unit #9A  
 30-32 Red Hills Road, Kingston  
 10, Jamaica  
 Tel.: 876-754-6912-3  
 Fax: 876-920-3650  
 Website: <http://www.lsjaj.com>  
 E-mail: [lsaj.jam@gmail.com](mailto:lsaj.jam@gmail.com)

# Editor's Notes



Timothy A. Thwaites BA, MSc., CLS

**Dear readers,** welcome to our first edition of Misclosures for 2022! As we transition from the seasonal festivities of the Christmas, our focus inevitably turns to the prospects and possibilities that the new year brings. What do we want to change, and what do we want to stay the same? But does anything every really remain the same? Like the riparian principle of accretion, though sometimes slow and imperceptible, change is happening!

A quote popularly attributed the Roman philosopher Seneca says that 'every new beginning comes from some other beginning's end'. The new beginning of 2022 brings us to the end of not only an administrative year in the Association, but also to a broader change of administration as per our regular three term cycle. Our outgoing president and council have guided the organization with a steady hand, and fixed purpose in spite of the avulsive forces unleashed by the COVID pandemic. This extraordinary period in human has brought leadership around the world to its knees; the LSAJ will not be counted among those numbers!

In spite of innumerable challenges, painful loses and the prevailing uncertainties of these times, we have welcomed new entrants, grown in cohesiveness, and have maintained a positive trajectory. Surveyors will persevere amongst the winners, and, if properly harnessed, allow us to continue to build our stature, and improve our status in the professional arena.

It has been my distinct privilege to serve you as editor of this newsletter for the last three years; I hope you have found our content enriching and enlightening. Thank you to our President for the confidence you have placed in me, and the latitude you have allowed me in guiding this publication; I hope you have found it well placed.

A safe, happy, and productive new year to everyone!

*Timothy A. Thwaites, Newsletter Editor*

## LSAJ Council & Committees 2020-2021

### LSAJ President

Chairman: Christopher Grant

### Legal Affairs

Chairman: Charles Johnson (LSAJ Vice-President)

### Finance and Events Planning (Treasurer)

Chairman: Daimian Masters

### Grievance and Complaints

Chairman: Khari Blackwood

### Education

Chairman: André Gordon

### International Affairs, Newsletter and Public Relations

Chairman: Timothy Thwaites

### Planning and Development

Chairman: Al Taylor

### Secretariat

Chairman: Karsten Johnson

### Membership & Professional Practice

Chairman: Tristan Wiggins



The LSAJ continues to be more environmentally responsible! Our Misclosures newsletter will now only be circulated in electronic format. This will increase our reach through e-transmission to a wider readership, and also drastically reduce our collective carbon footprint!

# The President's Notepad



Christopher Grant, CLS - LSAJ President

**Colleagues, students, friends and well-wishers. Welcome to the start of a new year, 2022 which is also the start of a new administrative year for the LSAJ. We anticipate that we'll continue to work together as we pursue our mutual interests**

## **for the ensuing year and beyond.**

Congratulations are in order for two new Commissioned Land Surveyors and their principals; Mr. Nicholas Weller who was guided by principal, Past President, Mr. Andrew Gracey and Mr. Keith Wignall, guided by principal, Past President, Mr. Llewelyn Allen. Our profession and association are enriched by your inclusion.

We enter this new year confronted by increasing changes around us. It's hard to go to sleep for fear that you may miss too much. We continue to be impacted by the effects of Covid-19 and its ever growing number of variants; we continue to face significant human resource limitations which impairs our ability to grow and expand; our males are increasing marginalized from co-operative society while fostering the expansion of the 'fringe society'; There's always turmoil in our cities, usually resulting in crime and violence and now we've added a new inclusion, conflicts in high value residential areas. In all of this, government bureaucracies and inefficiencies continue to impair us, making it difficult to get things done. It sounds like our world is falling apart but you just have to look a little wider; Bloomberg reports that the world's wealthiest people added over 400 billion United States dollars to their net worth in 2021. These people are creators, innovators and entrepreneurs who chose a different response.

As we enter 2022, it's an opportune time for us to choose. There will always be crises, there will always be conflicts, there will always be limitations and there will always be excess but we will always have a choice. Let's first choose to engage our neighbours, and our partners,

lets choose to combine our resources, let's choose to exchange ideas, let's choose to innovate, let's choose to invest in ourselves and let's choose to be disciplined. We can determine our desired outcome but it's a choice we have to make.

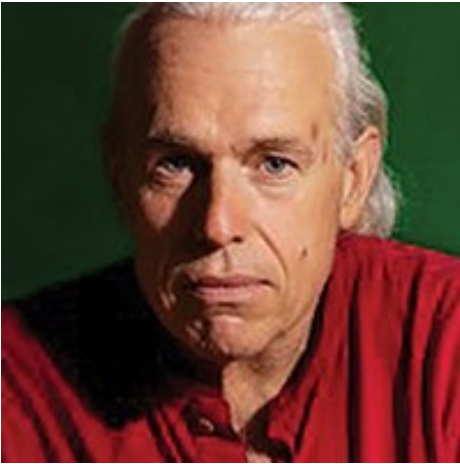
The LSAJ will be electing a new administration which will see the installation of a new president. This administration will be installed at a time when we're embracing what is considered a 'new normal'. Let's put that into perspective. The end of the seventeenth century saw the development of the steam engine and the rapid expansion of the textile industry. This is widely regarded as the first industrial revolution. Two centuries later, the end of the nineteenth century saw the development of mass production including the assembly line and the expansion of electricity. This is regarded as the second industrial revolution. The nineteen seventies and eighties saw the rapid expansion of the computer industry, including the internet; this is regarded is the third industrial revolution. Two decades later, we experienced the growth of electronic commerce and artificial intelligence which we will embrace as the fourth industrial revolution. 'Normal' doesn't exist in our world anymore. Much of what we consider to be challenges, limitations and disappointments are the result of an expectation that things should return to some previous time or remain the same. Our new administration and president must embrace leadership with an appreciation for the imminence of change. We have to stand above the fray, prepare for the next wave and lead fearlessly towards a future which embraces inclusion, prosperity and fulfillment for all.

Don't be bashful this year, set audacious goals and fearlessly chart a definite course to achieve them. Stay focused, disciplined and keep safe always.

*Christopher Grant, President*

**"The key responsibility of leadership is to think about the future. No one else can do it for you" ..... Brian Tracy (author and motivational speaker)**

## Why Adaptability is a Crucial Skill for Surveyors



By: Jeffrey Turner

When I started working with Al, a professional party chief, he did not like me at all. He had been working at the firm for nearly 35 years and was known to be grumpy, ornery, and a time-waster. But, most importantly to me, he was a great storyteller.

My first day surveying for this company, I was tasked with using an alidade and plane table to topo 20 acres. My completing that task in one day was rubbed in Al's nose along with the other older party chiefs. It would be 8 years before I learned this and how the other party chiefs had anger before meeting me. They were old-school surveyors and grew up in the profession receiving low wages, which probably did not inspire hard work and production. Feeling they had to compete with a 26-year-old, energetic young party chief was not acceptable at all.

By my eighth year working there, I had obtained my license and moved into the office and became Al's boss. As far as field personnel, I managed three crews. It concerned me that he might have trouble taking orders from me, but I did not have a problem with Al at all. In fact, it was the opposite.

When I took over the branch survey department, I assessed each party chief's strengths, and Al's was property surveys. He had worked the area and outlived his contemporaries, so he had the oldest working knowledge of the area. I was surprised at how well we got along and I really had no run-ins with Al and found him very helpful to me. On all but two projects, Al made money for the firm, and they were problem jobs, which had nothing to do with him. In earlier days, Al angrily said, "I'll be here long after you're gone!" and he was correct.

Among the many stories that WW2 vet told me was of the ability of American troops to adapt to situations during the war. His assertion was that our army was made of a diverse group of men coming from such varied backgrounds that when faced with a problem, some of the group would have an idea how to solve the problem. I've heard that called "Yankee ingenuity" and it must occur in most other countries. One man was the son of a foundry worker, a farmer, a mechanic, a mason, a carpenter. These life experiences of the group added up to success for the whole.

This particular story came to mind when I received a distressed phone call from an apprentice. She had previously had a problem with her tribrach thumb screw which came apart. When she told me of the issue, I had her give me her instrument base and I just pulled one off an old instrument and showed her the flip switch to take it off and on. She said she recalled how it worked and took the old tribrach off and handed it over for repair and snapped on the temporary replacement.

Once in the field, she tried to set up the instrument and the laser plummet did not work. As she investigated the problem, it was obvious there was no hole for the laser to project through the base I had given her and thus the phone call. I realized right away what the problem was and fished out another more appropriate tribrach from another old robot.

When I arrived at the job site, I showed her the optical plummet on the side of the base and instructed her how she needed to look through it and set up the instrument. I said it was probably the last time I would ever teach a person how to use an optical plummet and that when they first came out they were fantastic. It was an opportunity to broaden her experience. She easily set up the instrument using the old technology. Then I handed her the replacement. I also explained the 'feel' of when one comes to the end of travel of a thumbscrew and not to exert any more pressure. Young people today don't grow up so much with the physical experience of the tinker, tailor, or soldier.

As years pass, field personnel gain such a wide range of experience, that if they stay in the field as party chiefs, they will acquire a vast wealth of knowledge about so many aspects of land development, building, plumbing, electrical, carpentry, concrete work, client interaction, crisis management to name a few. That takes time. I recall a day when my crew was hired to perform stakeout work on a union job. The project manager wanted our crew there every day even if there was little for us to do. During down time, I watched the concrete men pouring walls and asked if I could help. Lat-

## Is Customer Education Worth It?

The most popular question I've been getting via phone and email recently comes in a few different formats, but the meaning is usually the same. "What is the average cost of a survey?" "How much does a survey cost?" And, my favorite incarnation: "I've been told by a trusted source that I spent too much on my survey. Can you tell me if they are right? I mean, all they did was throw up a few markers."

This begs the question: As a surveyor, is customer education worth your time? After all, you're the professional. You put the time, money, sweat, and tears into getting your PLS. Shouldn't they just trust you that you know what you're talking about? Yeah, ideally. But let's switch hats for a minute. Let's say you have a big project that needs to be done concerning a subject you're unfamiliar with. The stakeholder who assigned you the project has told you that you need to get it done, but you don't know the first thing about what it involves. What is the first thing you do? If you said "go to the Internet," you would be like almost everyone else in this scenario. So, when one of your clients who knows nothing about land surveying executes a Google search, what's waiting for them?

We know there is a whole lot of information—and misinformation—out there that creates as many problems as solutions. For example, Bob Villa's site lists that the maximum cost for a homeowner survey in the 97224 zip code should be \$1,500, with the national average being \$504. Clearly Bob's team put a lot of research into providing this information, right? Well, they pretty much took it from Home Advisor. What does Home Advisor say?

Evidently, most professionals charge per square foot, averaging \$0.50 to \$0.70. On the plus side, Home Advisor goes into more detail about what land surveying is, different types, etc. It even tells you how to get a free or cheap land survey... admitting of course, that it won't be recognized or official. Angi (formerly Angie's List) is like Home Advisor—nearly identical. Both go into how many different scenarios there are, yet still maxing out at \$1,500.

In the not-so-distant past, this has been an annoyance. But what happens to the actual professionals doing the work when the bill costs over that magical threshold? Their customer starts telling people they were charged too much and that can also lead to another fun element of the Internet: anonymous online reviews. Reviews written by people who don't know what they are talking about. They just heard, they felt their brother was cheated or nobody bothered telling the customer what was involved in coming to that cost.

There are many examples of companies having to handle negative reviews on apps like Yelp and Google. A recent example is a couple in Vancouver that left a one-star review for a roofing company and filed a complaint with the Better Business Bureau. They wanted the report on the assessment the company made on why the roof was leaking. The problem? They were the renters and they hadn't hired the roofing company—the landlord did. Per company policy, the renters weren't entitled to the information.

The more you go into the facts, you learn that they weren't told that they weren't going to be able to have access to the report directly, or that they should simply follow up with their landlord. Hence, rudeness happens on both ends, roofing company demands they take down the reviews, residents refuse to take down something they felt was true, and it all led to a lawsuit. I don't see the outcome playing out well for either party. This isn't exactly positive coverage for the company, and despite what Hollywood seems to think, not all coverage is good coverage.

So, you tell me. Is customer education worth your time? Yes, it is. First, it's important to understand the difference between customer education and marketing. Marketing is about persuading someone on an emotional level that they need your service and you're the company that is best suited for the job. Example: avoid costly mistakes when adding on to your home or building a new fence. Hire a land surveyor. Customer education is the Joe Friday of Dragnet—it sticks to the facts of the project, giving the potential client all the information they need to make a proper decision, including ways they can possibly save money. What are the benefits of customer education? Here are the three key aspects, as I see it.

## Is Customer Education Worth It?

(cont'd from pg. 5)

### **Transparency Builds Trust**

People are more apt to hire someone who they feel has their best interest at heart and will take the time to make sure they understand what's at stake. Not returning phone calls or vague answers because you're out in the field and can't focus on their future project makes sense to you. To them, it just feels like you don't want to take the time, and what does that say about the value of your work?

### **Building Trust Reduces Complaints**

People like to know what's going on. You've taken the time for them to understand the difficult elements of the project, what can affect the price, and the process you're at. Are there a couple of solutions they can choose from? Giving them the decision to spend more money if something isn't quite necessary puts the onus on them. If it's not inherent to the project, but will 100 percent add to the value and integrity, let them know that and why. If someone knows the information beforehand, they aren't surprised and don't feel taken advantage of. In other words, they won't think all you did was throw up a few markers and call it day.

### **Trust Means Loyalty; Loyalty Brings Referrals**

When customers know and understand what went into the making of your survey, realistic expectations are formed and met. With these ideas in mind, what are some ways to educate your customer?

Before the survey, make sure they have all the information that goes into building your quote and the basis for which you charge. Perhaps a check list is included: lacking municipal information, property terrain, foliage, water boundary, etc. Or perhaps putting the time and thought into a one sheet explaining what goes into building a quote, what you charge for your time, etc.

During the survey, make sure to check in and provide a status after you've done a portion of work. If you charge by the hour, let them know how much time you've put in so far.

After the survey, sum up the information you gave in the beginning of what could affect the price to what actually did. If you do get a bad review, use the same medium to address the situation through education. That means, leave the emotion out of it.

In the example of the roofing company, thank them for their input and politely explain that they are unable to share information with anyone but the person who hired them. In this case, the owner of the home. Would it have solved the problem with that customer? Maybe not, but the real point was for future customers to see how you handle a disagreement.

Some of these ideas may be adding work to an already overloaded schedule. Perhaps you can alleviate that just using your office staff in another way. The more they learn about this process, the more helpful they can be on the phone with a client. And that just may help you save time—and a lot of headaches.

**Source:** <https://www.xyht.com/surveying/is-customer-education-worth-it/> (Accessed 03-01-2022)

## Why Adaptability is a Crucial Skill for Surveyors (cont'd from pg. 4)

er, I assisted them in the pours of the basement flooring. We all end up watching various forms being set up by construction experts and remember them for later use.

At 16, my son once told me "Dad, it seems like no matter what happens you know exactly what to do."

Looking back at him with suspicious eyes I asked "Are you making fun of me? Because if you are, that's ok."

He responded, "No, really, if something goes wrong, you always seem to know how to handle it."

That's high praise from a teenager, but I wanted him to understand. So I said, "Well if it seems that way, it's only because I've done it the wrong way before and am not repeating that. If what I try does not work, I don't blow a trumpet about my mistakes and just move on to another approach. You don't notice the transition."

As employers or managers, we want our workers to develop educated confidence and accept that sometimes things go wrong and we need to learn ways to correct the problem.

There have been times when clients and other professionals are at a loss of what to do and ask land surveyors for advice. My office manager, more than a few times, has had professionals from other disciplines ask his help rather than their co-workers because they don't want people to know their lack of knowledge on a subject. I told him that it's worth it for me to pay him to help them out since it engenders goodwill that lasts a lifetime. They will remember his help and return the favor by helping cover up his errors should he ever make errors. My Missouri boss told me that any man who says he does not make mistakes is a liar or does not work.

As surveyors performing field stakeout work, it may not be our job to check the design work of others, but it's in our best interests to do so with quick mental checks. Again, if we call a designer and tell them there are design flaws before things are constructed, we save everyone a lot of angst. It's good to remember that today, without working experience that comes with carpentry, sanitary pipe installation, etc., architects and engineers may not understand why their design could not work in the first place.

Here is a good example of a question I asked of the design architect of a large retirement home. The site owner wanted to keep the old mansion as the office area and build wings on either side. I was to match the existing building. Do I match the façade or the foundation? The plans did not seem clear and when I brought this to the attention of the site superintendent the phone calls started and the designer, who probably never built a building, had to think about it for a day. The architect then asked me to locate the roof overhang he had to match. It would make a few inches' difference and I had no idea what ramifications it would have, such as doors lining up on the interior. The building's there today so it worked out even if the carpenter's expertise and judgement was the solution.

I suggest to my employees that when they are working and see other professions in the building trades, they take a few minutes to watch what they are doing. If they are noticed, they should declare they have no idea what the other person is doing and just want to learn a little. I wish that over time I could have taken one week a year and worked for free in other professions just to know more of what they do and how they do it.

Al was right, he was there long after I was gone. His next supervisors went back to pushing Al into other types of survey work and fighting with him. They missed making the most of a very talented party chief. I've tried to put people to work doing what suits them better, but then "some men (and women) you just can't reach" and we must be kind and let them go. I am thankful for the many professionals who helped me along the way and hope to continue to share what I've learned with younger surveyors. Four-year college degrees have become a necessity for obtaining a license, but they need to be paired with field experience.

**Source:** <https://www.pobonline.com/articles/102280-why-adaptability-is-a-crucial-skill-for-surveyors> (accessed 03-01-2022)

## Policing the Profession (cont'd from pg. 1)

This does not mean that the professional must be perfect in all instances or make correct boundary determinations every time. Nobody is perfect, everyone makes mistakes, and this is the reason for professional "errors and omissions" insurance. An error does not constitute negligence, and maybe you do not realize this, but negligence can be found even when the results are correct. Negligence is primarily a standard of care issue, which is often prompted by incorrect practice.

Second, litigation works well with other professions (at least the primary ones: clergy, doctors, lawyers, engineers, etc.) because there is insurance money to foot the litigation expenses. The doctor who amputates the wrong leg will be sued for negligence because the doctor's insurance company will defend and the plaintiff's lawyers will bring the lawsuit on a contingency basis. The lawyers for the plaintiff will work on contingency because they know they will eventually be paid either through a settlement with the insurance company or with an outright victory in court. Either way, insurance money allows the litigation to occur to test, punish, and refine medical practice.

Neither of these two policing actions operate well, or at all, in the land surveying profession for the same two reasons they work for other professions. First, while they have standards that define correct practice to achieve correct results, we have so-called "standards of practice" that are nothing more than technical standards, written by technicians for technicians.

There is not one of these so-called standards that I have ever examined that described correct results of retracement surveying. Another problem that I can't address at this time is the definition of surveying promulgated by the NCEES that provides cover for aberrant land surveying practice. For now, I will simply quote Brown: "Without superior knowledge, we have an inferior profession."

Second, while they have litigation (or the threat of litigation) to force true standards of practice to be developed and disseminated to practitioners, to correct practices that have been proved ineffective against legal attack, to sharpen the skills of the practitioners, and force practitioners to have superior knowledge, we do not.

Even though a surveyor may have insurance (and many do not), there is still no money to launch a lawsuit and even if victorious there is generally little or no money to recover. These are not personal injury cases. The practical reality is that surveyors are immune to prosecution because nobody can afford to sue them. Don't get me wrong, surveyors do get sued every now and then, but even the most egregious surveying results and the most incompetent surveyor may never see the inside of a courtroom because there is no money to litigate.

So, how do we police the land surveying profession? Look in the mirror, it's up to us.

**Source:** <https://www.xyht.com/surveying/policing-the-profession> (accessed 03-01-2022)



**XXVII FIG CONGRESS**  
**11-15 SEPTEMBER 2022**  
**Warsaw, Poland**



*Volunteering  
for the future –  
Geospatial excellence  
for a better living*