

## Response to Negative Article about Surveyors

Carl C.de Baca PLS NV/CA

Mr. Pat Shannan, Editor  
Independent News International  
Dear Sir,

This letter is a response to the article written by Will Goode and published in the *US~Observer* in Edition 2 #38 in 2015 and entitled: "[Monuments move, landowners lose: A surveyor's dirty little secret](#)",

As a Professional Land Surveyor licensed in two states since 1987 and someone who believes that the profession of Land Surveying is made up mostly of individuals of the highest moral fiber, I take personal affront to nearly everything contained in that nasty ad hominem piece. The very title gives away the prejudice of an author taking potshots at an honorable group of practitioners. I would suggest to Mr. Goode that adopting the moniker "Investigative Reporter" carries a responsibility to avail himself of certain facts and regarding the profession of Land Surveying, he has clearly failed to do so. Goode has painted all surveyors with a broad brush of inflammatory accusation rather than limiting his commentary to certain specific individuals involved in a certain ongoing northern Idaho boundary dispute. Don't believe me? Read the comments by readers that follow the article.

Surveyors in every state have a code of ethics that they must strictly follow and failure to do so will result in punishment by the licensing board. This is an infrequent occurrence, not because our profession is a "regulated profession" of "sacred cows" but because most surveyors genuinely attempt to do the best job we can and we adhere to our code of conduct as a matter of reflex. In my thirty-some years of practice I have honestly not seen a "crony system" at work among my peers. Just the opposite is true - survey organizations tend to be self-policing and a bad apple would have a hell of a time defending his crooked practices among his fellow surveyors. Rather than being "blinded by their own so-called professionalism" as Goode asserts, Surveyors are bound by a true sense of professionalism and strive to go the extra distance for their clients. Unlike attorneys, surveyors are finders-of-fact, not advocates for a pre-determined outcome. With respect to boundaries we examine the evidence, deeds, unwritten rights and monuments found in the field. Often there are conflicts in the evidence and often the evidence is only partial. We analyze and come to a conclusion to the best of our professional ability when determining a boundary. We use several hundred years of English common law, nearly two hundred and fifty years of American case law, and long standardized rules universally recognized by courts and state and federal agencies across the US for interpreting deeds, evaluating evidence and establishing boundaries. That's why we are licensed. Perhaps Goode has never heard of the Handbook of Federal Evidence, the BLM Manual of Survey Instructions or Brown's Boundary Control and Legal Principles, well-worn copies of which are likely to be on every surveyor's shelf.

Surveyors are not "protected from prosecution" as Goode asserts. Surveyors who are alleged to have committed malpractice are subject to investigation by their state's licensing boards who work hand in hand with the state attorney general and if there were a case to be made that actual fraud was being perpetrated by an individual, as opposed to simply performing the work incorrectly or poorly, the attorney general's office is free to bring charges in conjunction with the fines and probable loss of license imposed by the licensing board. And neither of those actions precludes the injured party from bringing a civil action against the surveyor. But the difference between malpractice and fraud is notable. A Surveyor facing allegations of malpractice will be brought before the licensing board, whose job is to protect the public. Found guilty, the Surveyor will, among other penalties, be directed to reimburse his client. However, a Surveyor facing allegations of fraud will receive his justice from the courts. Found guilty, the fines and penalties will be severe. But suppose neither scenario is the case.

Let's say you have a difference of opinion between two Surveyors giving different weight to the same evidence and this dispute finds its way to court. This is completely different from the two scenarios outlined above. And in this scenario, there is typically a winning and a losing landowner. The assertion that a landowner would not fare well in court because "judges don't want to be seen as bucking the system" is preposterous. Judges are capable of researching case law, evaluating the claims and counterclaims of the participants and coming to a reasoned conclusion. They are expected to do so and they do. While Goode seems not to understand boundary retracement in even moderate detail, he has an incomplete if not outright hostile or infantile perception of the justice system.

Somewhere along about the third page of this thinly disguised polemic, Goode asserts that Surveyors, motivated by a lack of work opportunity, may resort to creating boundary problems for landowners in the attempt to drum up work for themselves. Rubbish. Behavior such as that is unethical, criminal and rare. He doesn't say "this surveyor" or "that surveyor", rather he implies that most surveyors would do this sort of thing. As I noted previously, we are finders-of-fact and our reputation for diligence and honesty goes back to Abe Lincoln and farther and we are damned proud of it.

Goode then goes on to say that these surveyors use fraudulent methods to re-establish missing monuments, relying on math rather than finely honed retracement skills. I would point out that monuments decay, disappear and are destroyed over time. A pine post set to mark a section corner in 1870 may be completely gone along with all original evidence of its true position in 2016. This happens - not frequently but on occasion. The "fraudulent engineering computation" (what a misnomer!) to which Goode refers is probably the chapter on re-establishing "lost" corners which can be found in the aforementioned BLM Manual of Survey Instructions, recognized by the courts as the proper methodology in many cases. No one but Goode calls it an "engineering computation", giving away yet again his unfamiliarity with the profession. Engineers don't retrace boundaries, Surveyors do.

By Page 5, Goode has crossed the line from the ignorance of being blessedly unburdened by fact to something mighty close to slander with his allegation that a surveyor (any surveyor) would remove original property monuments as a tactic to growing his business. Enough! Perhaps the author could consider spending some time with reputable Surveyors and if he did, he would no doubt retract his poisonous and completely inaccurate characterization of the profession.

Professional Land Surveyors serve the public with honesty and integrity. We are the only people qualified and licensed to determine boundaries and we take that responsibility very seriously. Goode's overall tone seems deliberately derogatory and appears intended to inflame the non-surveyor. A onesided, insulting smear piece such as Goode's does serious harm to an honorable profession and at the same time harms the public that relies on our work. Who would Goode have determine boundaries in our stead?

Sincerely,

Carl C.de Baca PLS NV/CA