

## COMMUNICATION IN 2001 CAN OUR WORDS MATCH THE EXCELLENCE OF OUR MEASUREMENTS

Greek philosopher Pericles once said, "The thinking human being not able to express himself stands at the same level as those who cannot think". While applying that statement to land surveyors seems harsh, my experience as a board member of the Oklahoma State Board of Registration for Professional Engineers and Land Surveyors and my experience as a provider of land title surveys on a national basis has been that many of us fail at Beginning Communications 101 and consequently our individual businesses suffer and our professional status is lessened. This presentation will focus on the importance of land surveying and ways to better serve the needs of our clients with better communication.

### PROFESSIONAL STANDING

The majority of calls our Board receives from the public concerning the conduct of surveyors are indicative of poor business practice. The typical call or complaint is about a surveyor charging more than the agreed upon price, not returning calls, not arriving at the site when promised, not explaining information shown on a drawing, not explaining what was done, why it was done, why it took so long or why the results were not what the client expected. All these professional conduct issues are business related and could and should have been resolved by the surveyor communicating with the client.

The trend towards written contacts with clients may help with some of those types of problems. Having the commitment we made right there in front of us in writing might encourage or at least remind us of what our obligation to our client is. But our individual success and the success of our profession will ultimately come down to our attitude towards what we do.

What we surveyors sometimes fail to remember is that we are the experts when it comes to location of boundaries and interpretation of legal descriptions. The service we offer is a professional service that **is** very important in the process of land transfer. We are the only persons that the state allows to perform surveys and courts grant us professional standing and allow us to qualify as expert witnesses. The Fourteenth Amendment to the United States Constitution and your state constitution clearly state that a citizen cannot lose his life, liberty or property without due process of law. Since people may not have all the property they believe they are entitled to, it is of the utmost importance that our states create and enforce demanding licensing laws. Our clients may play Yellow Page Roulette to find us, but our duty is still to provide a professional product and to conduct ourselves as professionals regardless to the time or the money involved.

## WHAT IS MOST IMPORTANT

Cost? Service? Quality? What do our clients expect and what is most important to them? Expert communicators will spend a considerable amount of time during the initial contact with the client getting to know what the client's needs are. They do not assume anything because they understand that the public generally knows very little about what we do and what it takes to do a correct survey. This is exactly the stage where the surveyor shows his true professional nature. I am convinced that if we listen to our clients during initial contact, we have a great opportunity to demonstrate our professionalism. Instead of saying something like "Oh that will be an easy survey that should cost around \$250.00", what would be the response if we said something like "That survey will require us to research the public record at the court house, inspect the site for evidence of existing land lines, evaluate the evidence we find, make measurements, make calculations and publish our results"?

So, if we are persuasive and we get the job, then what is most important? We can find that in the first line of most surveying licensing acts: Protection of the Public. In almost all cases that means the property boundary. The location of the boundary and it's graphic representation involves the total of our professional expertise which includes our ability to interpret complicated legal documents, our originality and creativity, our ability to render opinions and our ability to explain and defend what we have done. I use the word defend in the context of being able to support our position by citing established legal principles or applicable court cases.

Another public protection issue is the correct interpretation of easement documents and location of utilities. This is where what we do as land surveyors directly affects the public safety. Slipshod practices of locating underground utilities can and has caused serious injury and even death. Low bidder or not, we are responsible for seeing that those underground utilities are correctly located and preferably tied into a public GIS.

The public has the right to rely upon our expertise in boundary and easement matters. That is why courts hold us to a higher degree of liability and why we are able to call ourselves professionals.

## GRAPHIC COMMUNICATION

Regardless of who we work for or the cost of the services we render, our clients deserve to receive a written or graphic product that is not only technically correct; but is also free from spelling, punctuation and grammatical errors, and is fully self-explanatory. This is true for any client who we agree to work for, and it is particularly true for providers of ALTA/ACSM Land Title Surveys.

Clients requiring land ALTA/ACSM Surveys are generally more knowledgeable about the information shown on surveys and are demanding about having the surveys done correctly. They pay a lot of money for these surveys and they have the right to expect the highest professional quality. Attorneys representing large lending institutions must be able to advise their clients of any potential title problems disclosed on the survey or any condition that might impair the intended use or marketability of the property.

We are fortunate that our product is a necessary part of a major land transaction. Although we may not like the picky details that are demanded, this type of work gives us the opportunity to demonstrate how important our product is to other real estate professionals. If we want to be treated as professionals though, we must be prepared to address some of the problematic areas that are shown on our surveys and that our attorney clients demand be correct:

#### Legal Descriptions

- If the survey contains a metes and bounds description, the calls on the survey must match the calls in the written description. This includes the calls from the point of commencement to the point of beginning. Having the reversed bearing on the drawing may be easy for us to understand, but it may not be to the 10 non-professional land surveyors reviewing and relying upon the survey.
- Don't change a legal description that has existed for 50 years because your computer has changed a bearing by 5 seconds or a distance by .02'.
- Explain any discrepancies between your legal description and the one provided to you by your client. You are the expert of interpreting legal descriptions and your opinion is important.

#### Easements

- Having easements correctly shown and noted is very important for our clients. If an easement is plottable, it needs to be correctly shown along with its recording information by Volume and Page (by the way, the page is the first page of the document, not the page where the legal description or exhibit is located)
- If not plottable, then add an explanation of why it is not plottable. For example, it may be a blanket easement affecting the entire property or the document may not include information showing the location of the easement. Whatever the case, be a professional and take the time to clearly explain the situation.

#### Certificate of Survey

- Be sure that the parties to be certified to have been spelled correctly
- Use common sense and professional judgment when negotiating certificate language. They are trying to get as much coverage as possible for their client; but most will be willing to amend language if we will take the time to communicate our needs. Those long form certificates often

contain sections that are clearly the responsibility of others or beyond what our liability insurance carrier will allow us to say. Our clients may not have a clear idea about who is responsible for what and may be very appreciative once we have taken the time to educate them.

- Again, using common sense and professional judgment don't be pressured into signing something that "every other surveyor" will sign. It may be that you need to let "every other surveyor" go ahead and do this job. The public is not protected when a surveyor signs a certificate that includes items that are beyond his or her personal knowledge or area of expertise. We are in the business of providing a professional product, not providing insurance against any or all potential defects to the title of a piece of property.

We land surveyors are in the business of providing a professional service for a fee. The service we provide is very important and will continue to grow in importance as we become more willing to let our attitude towards our work be that of service to our clients. We have a great professional story to tell, let's bring our communication skills to the level of our measurements.