

FIG Model Code of Professional Conduct: Moral and Ethical Components

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Keywords:

ABSTRACT

The tenets of the Code promulgated in 1998 will first be logically rearranged by applying the method of division and then identified as either moral or ethical. In preparation, the method of division and also the difference in the meanings of the words "moral" and "ethical" attending a professional practice must be elaborated.

ZUSAMMENFASSUNG

Die Lehrsätze des Kodex verkuendigt in 1998 werden zuerst umgeordnet durch Anwendung der Methode der Division und dann bestimmt als moralish oder ethisch. Zur Vorbereitung muss die Methode der Division und auch der Unterschied in den Sinnen der Woerter "moralisch" und "ethisch" einer professionalen Praxis anhaftent ausfuehrlich gemacht werden.

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1. INTRODUCTION

The FIG Model Code of Conduct for Professional Surveyors, adopted in 1998, consists of 34 acts (24 to be done, 10 not to be done). These acts grouped according to seven capacities in which surveyors act (surveyors "as"...). The list of acts is quite complete, and its breakdown is appropriate. The Code is a tribute to its writers. As a model for conduct, it can stand as written.

As a document, however, it can stand interpretation.

The Code expresses an awareness that accompanies every surveyor's work, though for the most part intuitively. It is an awareness that has been developed, to a greater or lesser degree in each practitioner, through education, training and experience. The result is a habit, the hallmark of which is conscientiousness, and the proper designation of which is the *ethos* of surveying.

The awareness manifests itself in acts, rather than words. To put it into words, one must stop, at least momentarily, and reflect on the acts. But once these acts have been put into words, another level of reflection opens up, that of the thoughtful reading or interpretation of the Code.

As a document, the Code can stand interpretation with regard to its *form* and its *content*.

The form of the Code could be more systematic. The capacities and the acts performed in the exercise of those capacities are stated all too randomly. They can be restated in a much more orderly way by applying the so-called method of division. In order to show how, this method must first be described and then applied. The basic division inherent in the Code is provided by the traditional definition of a professional practice, namely, a *business* that offers services, the performance of which requires a certain *competence*, sanctioned by law.

The content of the Code could be more lucid. In the Introduction to the Code, Ken Allred noted that it is supposed to serve an international, meaning an ethnically diverse, community. Its diversity notwithstanding, he cited two rules of conduct that prevail everywhere in some fashion: the *Golden Rule* (Do unto others as you would have them do unto you) and the *Hippocratic Oath* (Do no harm). The first of these is generally considered to be a rule of moral conduct, the second a rule of professional conduct. Within the Code itself, however, the distinction between the two kinds of conduct is all but lost.

The distinction, however, can be readily applied, given the definition of a professional practice. The conduct of a business should be moral in the traditional sense, and should

follow the golden rule or the golden mean articulated by Aristotle (e. g. avoid over and undercharging). The exercise of a competence is not moral in this sense, but still ethical in that it should exhibit excellence in workmanship and accountability. The conduct of a business and the exercise of a competence, however, can be in conflict. Competence can be compromised by business (notably financial) considerations, while the business can be harmed by work of substandard quality. The aim of a professional practice is to do well in both, which entails being *good at* what one does and being morally *good* in one's business dealings. This difference must be more fully developed philosophically, before it can be applied to the components of the Code.

2. THE METHOD OF DIVISION

The method of division is simply a way of outlining any given topic by producing a string of divisions (di=two, videre=to see), each pair of which is (supposed to be) mutually exclusive. A well-known example of the use of this method is Linnaeus' classification of all living things according to kingdom, phylum, class, order, family, genus, and species.

In practice, such a string of divisions is developed by analyzing the topic forwards and backwards, by proceeding either in the direction of greater specificity or the direction of greater generality. Linnaeus' system, for instance, is still being expanded. New species of animals and plants, both living and extinct, are still being discovered, and even living things that may belong to neither kingdom. A classification such as Linnaeus' can, moreover, be extended to include the races of man - but, note well, as subspecies. It can also itself be included in the broader category of nature, which includes non-living things. Among these are the aggregates of matter that make up the universe, not the least of which, to us, is our humble planet earth. Nature, in turn, can be distinguished from supernatural beings, on the one hand, and from art, on the other. Surveying fits into the latter category.

The method was developed by the ancient Greek philosophers. Plato employed it in his dialogues, mostly as a way for the character Socrates to confound his interlocutors into admitting the untenability of their position. Aristotle, the first to systematize it, used it as preparation for an essential definition, one in terms of genus and species, such as man is a rational animal.

We can make an initial use of this method to define surveying. Generally, surveying is opposed to mapping. What do both activities have in common? They *represent* the earth. They are not concerned with its composition, which is the subject of geology, but its surface features. The difference between surveying and mapping is that a map represents the earth *graphically*, and the effort to map it is called geography or cartography, while a survey does so *quantitatively*. But quantity is differentiated into *discreet* and *extended*, or numbers and figures. The continents and seas can be enumerated, but they have extent and shape. The means for determining these is measurement - hence geometry. As a *practice*, then, surveying can be defined as the quantitative representation of the earth based on measurements.

The method can also be used to distinguish the *principles* of surveying - specifically land surveying. Some of them are theoretical (mathematical) and some practical. Among the latter are legal principles (the rules of retracement) and behavioral principles (rules of conduct). Written versions of the latter are codes (codex=tablet of wood covered with wax for writing on).

We can put all these considerations into the following brief outline:

Nature	Living			
	Non-living			
Art: Survey	Practice	Technical	Measurements	
	Principles	Theoretical	Mathematics	
		Practical	Rules of Retracement	
			Rules of Conduct	Codes

3. APPLICATION OF THE METHOD

In reference to the FIG Code, the method of division must be applied first to the seven capacities of surveyors listed in the Code: 1. experts, 2. employers, 3. principals, 4. contractors, 5. members of a professional association, 6. Business persons, and 7. resource managers.

The last of these is a questionable capacity of surveyors. Traditionally, our public trust does not include the protection of the environment. That is the responsibility of developers and their agents, engineers that design protective measures and the contractors that implement them.

Surveyors can at best watch out for potential harm to the environment and failure to implement protective measures. To my mind at least, they can act in this capacity only as surrogates.

By contract, surveyors do truly act in the six other capacities. These six capacities are not stated in any discernible order. In all but one of them, however, surveyors act as professionals engaged in their work. When they act as members of a professional association, their focus has shifted from their work to the profession itself. In jurisdictions in which the association actually chooses new practitioners or polices current practitioners, acting in this capacity is crucial to the well-being of the profession. In those in which a registration board exercises these powers, and membership in an association is voluntary, this capacity is exercised by presenting oneself in an honorable and dignified way and by dissociating oneself from unqualified persons.

Of the remaining five capacities, the first mentioned is that of a surveyor as an expert. All the acts done in the exercise of this capacity concern the manner in which surveying is practiced. The expert must first know the principles of the profession, and apply them independently and impartially. He must also know, and act within, the limits of his competence and make efforts to improve it (through continuing education).

The rest are capacities in which a surveyor acts as a businessperson. In two of them, the surveyor acts as a contractor: acquiring work, by advertising proffered services and competing for the work, and then charging for it. In the other two, the surveyor acts as an administrator: managing the work itself responsibly, and supervising employees effectively.

The capacities can therefore be outlined as follows: Surveyors as

Environmentalists	7
Surveyors proper	
Members of a Professional Association	5
Individual Practitioners	
Experts	1
Businesspersons	
Contractors	
Collectors of Fees	4
Advertisers and Competitors	6
Administrators	
Principals	3
Employers	2

4. OUTLINE OF THE ACTS PERFORMED IN THE EXERCISE OF THESE CAPACITIES

Environmentalists	
Environmental Watchdogs	7abc
Resource Managers	7efg
Surveyors proper	
Members of a Professional Association	
Promotion of the Profession to Clients and Public	5d
Demotion of the Profession through	
Unauthorized Practice (unlicensed): report it	5b
Unqualified Practice: do not aid and abet it	5a
Person: do not advance professional standing	5c
Individual Practitioners	
Experts	
Predisposition - Principles: understand them	1d
Practice: exercise independent judgment	1a
Competence - Present: know limits (7d)	1b
Future: advance through cont. ed. (7b)	1c
Businesspersons	
Contractors	
Charging for work	
Remuneration: Incommensurate	4a
Improper: fraudulent	4b
multiple	3d

Accounting for Charges: provide details	4c
Acquisition of Work	
Advertising: cannot be misleading	6a
should not be derogatory	6b
Competition: don't supplant another	6c
Administrators	
Principals: managers	
Agents: moderate the workload	1e
direct the work: in branch office	6d
sign only supervised work	4d
Trustees: Fidelity of Client: pick good ones	3c
Fidelity to Client: avoid impropriety	3a
avoid conflict	3b
Confidentiality: client privilege	3e
privacy of records	3f
Supervisors: employers	
Responsibility for (work of) subordinates	2a
Responsibility to subordinates (as workers)	
Occupational: conditions and pay	2c
Professional: optimum performance	2b
integrity of work	2d

5. MORALITY AND ETHICS IN SURVEYING

We use the words "moral" and "ethical" more or less interchangeably and sometimes both together. Etymologically, they mean the same, namely, having to do with customary or habitual ways of acting or doing something (Latin: *mores*, Greek: *ethos*). Still, there seems to be shade of difference. Being moral is generally taken to mean doing the right thing, being ethical not doing something one is not supposed to do. Then again, the Ten Commandments are moral edicts, but are expressed as shalt-nots. Land surveyors' Codes of Ethics, on the other hand, affirm a bearing (old ASCE/old ACSM code) or acts (FIG), beliefs (NSPS creed), duties (various state codes), or values (new ACSM code), in relation to which unprofessional conduct is identified.

The question is whether there is a real, not just an apparent, difference in the meaning of the two words. The clue to an answer lies in the definition of the practice of land surveying. As noted in the introduction, the definition refers to two activities: a competence (skill, expertise), and the conduct of a business employing that competence for a fee. Noted too was the fact that the two activities can be in conflict, which puts us in a mental bind.

Obviously, both the exercise and the employment of the skill must be given due attention, and each, first of all, on its own terms. What is the difference between them? A skill is applied to produce something fixed and lasting (in land surveying: measurements, monuments, plans, legal descriptions) by technical means. The measure of the skill is the degree of its productivity (good workmanship), and its proof is its unstinting application (accountability).

The employment of the skill in a professional business, by contract, is conducted for the benefit of both the client and the business personnel (employer and employees). Its measure is the degree to which it satisfies all contractual obligations, but its proof is its profitability.

Given this difference, we can expect a difference in "moral" posture. The posture of a business is more easily characterized. Since business activities are interpersonal, they should be moral in the traditional sense, and follow the golden rule. More specifically, a businessperson should adhere to the golden mean (as articulated by Aristotle). His/her best course of action is to choose the mean and avoid extremes (such as overcharging or undercharging). In the exercise of a skill, choosing the mean is replaced by choosing the means for attaining the end result. While that choice allows for some latitude, the right choice is not a mean between extremes, but the selection of the right means for the desired end, and can be said to be amoral. The exercise of a skill is governed by how well the end product is attained, and can be called "ethical" if it results in good work and if the practitioner takes full responsibility for the work.

6. THE PLACE OF PROFESSIONAL CONDUCT IN THE RANGE OF HUMAN ACTIVITIES

As intuitively obvious as this correlation of morality with the conduct of a business and ethics with the independent exercise of a skill may be, it requires further analysis. But we should first place the exercise of a skill in the context of all human activities. These can be divided into natural functions and intentional activities. The latter are either theoretical or practical, involving thinking to arrive at knowledge or to direct doing (a good deed) or making (an artifact). Doing requires a moral sense, while making requires skill.

7. PRACTICAL ACTIVITY IN GENERAL

For Aristotle, theoretical activity is concerned with what is *universal and necessary* and cannot be otherwise. The interior angles of a triangle, for instance, always add up to 180°. There is also a definite order in the physical and biological world, the subject of science.

By contrast, practical activity, both doing and making, is *arbitrary* and can be otherwise. The reason is that the source of the activity is in the doer or maker; and a doer or maker is not under the same compulsion as nature. Both doing and making allow for some originality.

Moreover, practical activity always involves a range of possibilities, a *more or less*. One can move about faster or slower. One can overeat or starve. One can get riled or be apathetic. One can be fair with others or take advantage of them. One can be friendly or grouchy. One can do good work or shoddy work. One can stand behind one's work or disavow it.

This range of possibilities raises the question: which action is *right*? There is no single answer to this question. What is right for one may not be right for another. The same thing may not even be right for the same person at different times and under different circumstances.

For starters, however, we must realize that extremes in conduct are generally destructive. Neither eating too much nor eating too little is good for one's health, but eating the right amount is. Even if that amount cannot be determined exactly, it lies between too much and too little. It is neither excessive nor deficient, but a *mean* between the extremes.

This mean is *difficult* to determine (it is not a mathematical mean). But it is opposed to both excess and deficiency. It can be nearer to one than to the other. In fact, it is all too often determined by tending toward one or the other until the excess or the deficiency is recognized.

Eventually, the attainment of the mean becomes a *habit (ethos)*, a disposition to act. By repetition, a person becomes more able to recognize the mean and to follow it with more ease. That person can then also teach others to discriminate the mean from the range of possibilities.

8. DOING

In doing, Aristotle points out, the mean is a *virtue* (from the Latin *vir*, meaning man; virtue means manliness, and is the translation of the Greek *arete*, meaning excellence), and the extremes are *vices* (Latin *vitium*, meaning fault). Virtue is moral goodness, vice its opposite.

The disposition to act one way or another is called *character*. One has a good character if one habitually acts virtuously, and a bad character if one habitually doesn't. An occasional fall into vice, however, does not mean that one has a bad character, only that one lacks self-control.

Doing anything involves *choice*. Both virtuous and vicious acts are chosen responses to a situation. The situation itself does not determine the kind of response, but allows for a range of voluntary responses. It does require a response, and not to act at all is itself a choice.

The response is a reaction to a *feeling (pathos)* engendered by the situation. For example, a situation that engenders a sense of worth elicits reactions ranging from vanity, claiming one has more worth than one actually has, to humility, thinking one has less worth than one actually has. The mean is pride, or knowing one's worth and claiming to be recognized for it. It is the "honorable and dignified bearing" mentioned in many codes of ethics.

Every response is a *reasoned* reaction. The mean itself is grasped by perception, not by reasoning. But the feeling must be felt "at the right times, with reference to the right objects (the noble, the advantageous, and the pleasant, rather than the base, the injurious, and the painful), toward the right people, with the right motive, and in the right way." The reasoning takes the form of deliberation, taking all these factors into consideration.

9. MAKING

The difference between making and doing can be shown by their result. The result of doing is an action that is then considered good or bad, but is indistinguishable from the agent. The result of making is a *product* that, when it is finished, has an existence of its own, and is good to the extent that it serves its intended purpose.

The exercise of a skill is not inherently good or bad. The maker is considered good when he/she is *good at* making the product that is the end result, and being good at makes him/her an expert. An expert can still make a mistake, but only intentionally, not from lack of know-how. (Read Plato's *Lesser Hippias*).

The difference between making and doing can also be shown by the role of reason in each. In doing, the role of reason is to guide the carrying out of the perceived mean. In making, it is to ascertain the *means* - the materials and the methods - that will produce the desired result. Reason is focused, not on the agent, but on the object.

But reason plays a further, more distinctive, role in making than it does in doing. Making requires a *plan* of the object. This plan provides the reason for choosing the means to make the product. Doing also seems to require a reason (like the golden rule, or a value). But knowing this reason does not necessarily motivate someone to right action (people don't always do what they should). A plan, on the other hand, does motivate the maker. It constitutes the right reason for choosing the materials and the methods necessary to product the object.

The maker is responsible for finding and implementing the right means. The right time, the right object, the right people, and the right motive are usually specified for the maker, but not the right way. *Accountability* for all the decisions involved in following the right way to the end product rests entirely with the maker. (Applied to land surveying, the right time for a survey is when it is commissioned, the right object is the boundary of the property and its occupation, the right people are all those applying their skill and those benefiting from it, the right motive is the intent for which the survey is done. A surveyor is accountable for the efficiency with which a survey is made, but even more for proficiency with which it is made.)

10. HISTORICAL DEVELOPMENTS IN PHILOSOPHY

The shortcoming of Aristotle's analysis is that it does not reveal any inherent restraint on either vicious acts or on the poor exercise of skills. The only restraint is good character itself and pride in one's work (old ASCE, old ACSM codes: honorable and dignified bearing).

With Christianity came the realization that *free will* is a separate human faculty, and that the choice of the mean in action and of the means in production is the result of an act of the will. The natural virtues elaborated by Aristotle were reinterpreted as being infused with the spirit of the theological virtues: faith, hope and love. Productive activity came to be understood as

doing good works that glorified God and helped one's neighbors. (NSPS code: beliefs and canons).

During the enlightenment that followed the Renaissance, *reason* assumed the role played by faith, and the will was thought to be governed by a rule of reason. Immanuel Kant called it the categorical imperative: act only in the way you would want everyone to act. (Similar to golden rule). This rule (moral law) governs the will unconditionally. Most human actions, however, are directed to ends, the attainment of which involves the will only conditionally, and its commands are only hypothetical. They are either counsels of prudence (end is happiness) or rules of skill (end is a product). But all these rules impose a duty on the agent, and are called *deontological* (deontos=necessary). (Some state codes specify responsibilities, what surveyors "shall" do). -

(An aside: counsels of prudence serve an individual person's happiness. Utilitarianism is the position that the purpose of government is to bring about the greatest amount of happiness for the greatest number of people. The ethics of utilitarianism is called *teleological*.)

An imperative determines only the form of an action. It does not say what to do. Early in the 20th C., it was realized that acts of the will were conditioned by *values*, what is worth doing. Moreover, various values come into play in each deed, sometimes in conflict with one another. The values at issue in production are material values, but even production is influenced by moral and aesthetic values. (Virtues in the new ACSM Code: competence, integrity, social awareness).

11. APPLICATION

We can now differentiate the parts of the Code that provide moral direction from those that provide ethical direction. Those that provide moral direction must have to do with the acts themselves - acts which, in response to feelings generated by a situation, should be the mean between extremes. For the most part, business activities are acts of this type. Those that provide ethical direction have to do with a product. Such are the activities that apply a competence.

Perhaps foremost among the first is charging a fee. As contractors, surveyors can over-charge or undercharge. The prevalent feeling is that our compensation is too low. This feeling must be tempered by the realization that, as important as it is, our work is not as critical as that of the better established secular professions. We need not give our work away, but neither can we expect to acquire great wealth from the services we provide. We should make a good living from our work, but refrain from improper billing, such as making fraudulent or multiple charges; and we should be willing to account for our charges.

The other two business activities in which surveyors engage as contractors, advertising and competing, can also be done to extremes. Although surveyors seldom actually advertise, they do sometimes overrate their work and underrate the work of other surveyors in conversation with clients and with each other. Neither is proper; it is best to be truthful. Nor do surveyors

often compete with each other for work. Clients do sometimes call several surveyors for estimates, but the surveyors learn of it mostly by chance. Generally, only large-scale jobs require bids. When given, bids should be honest, and not be kept low on the assumption that non-itemized charges can be tacked on afterwards. Under no circumstance should a surveyor underbid another that has already been retained. Neither should a surveyor obtain work through bribery or favoritism.

The activities in which surveyors engage as administrators generally follow the same pattern. In these activities, it is not worth that is at issue, but the management of the work. A business can have too much or too little work. Too much work is not just an excess, but tends to lead to ethical infractions: not properly directing the work, notably the work in a branch office, and sealing work of which one was not in responsible charge. In addition to limiting work to a proper amount, the manager of a surveying business must also limit his clients and himself in relation to them. As a manager, a surveyor should deal only with reputable clients, but then be faithful to them and work for them confidentially.

Surveyors also manage the employees that work for them, and can manage them well or poorly. They can give too much or too little supervision. They can provide working conditions that are safe and cheery or hazardous and depressing. They can pay well or stingily. They can foster or suppress an advancement of performance in their employees. As supervisors, surveyors should treasure their employees, and treat them well, if not extravagantly.

The activities in which surveyors engage as members of the profession are both moral and ethical. Surveyors should give a favorable image of the profession to clients, neither demean it nor exaggerate it. This act is obviously moral in nature. But the acts that are not to be done in this capacity, namely, supporting unauthorized and unqualified practice, are ethical in nature. Aiding an unqualified person to attain professional standing has elements of both.

This leaves surveyors acting in the capacity of experts. Some of these are moral and some ethical. The independent and impartial performance of the work, in accordance with the relevant principles, is ethical. But the manner in which competence is exercised is moral. A surveyor can over or under perform, and keep learning or neglect his/her professional development.

All we need to do now is return to the previously generated outline of the capacities and acts of the FIG Code and mark the specific acts with an "M" or an "E".

Before we do that, however, we should reflect briefly on the efficacy of our exercise. Its obvious result is a better understanding of the Code. Its less obvious, but entirely expected, result is better conduct. In daily practice, neither the Code itself nor a detailed understanding of it may be at the forefront of our awareness. But a studied understanding of the Code becomes ingrained in that awareness and sharpens the disposition of the practitioner. Interpretation spills over into practice, ethics into ethos.

12. MORAL AND ETHICAL COMPONENTS OF THE MODEL CODE

Environmentalists		
? Environmental Watchdogs		7abc
? Resource Managers		7efg
Surveyors proper		
Members of a Professional Association		
<u>M</u> Promotion of the Profession to Clients and Public		5d
Demotion of the Profession trough		
<u>E</u> Unauthorized (unlicensed) Practice : do not condone it		5b
<u>E</u> Unqualified Practice: do not aid and abet it		5a
<u>M</u> Person: do not advance professional standing		5c
Individual Practitioners		
Experts		
<u>E</u> Predisposition - Principles: understand them		1d
<u>E</u> Practice: exercise independent judgment		1a
<u>M</u> Competence - Present: know limits (7d)		1b
<u>M</u> Future: advance through cont. ed. (7b)		1c
Businesspersons		
Contractors		
Charging for work		
<u>M</u> Remuneration: Incommensurate		4a
<u>M</u> Improper: fraudulent		4b
<u>M</u> multiple		3d
<u>M</u> Accounting for Charges: provide details		4c
Acquisition of Work		
<u>M</u> Advertising: cannot be misleading		6a
<u>M</u> should not be derogatory		6b
<u>M</u> Competition: don't supplant another		6c
Administrators		
Principals: managers		
<u>M</u> Agents: moderate the workload		1e
<u>E</u> direct the work: in branch office		6d
<u>E</u> sign only supervised work		4d
<u>M</u> Trustees: Fidelity of Client: pick good ones		3c
<u>M</u> Fidelity to Client: avoid impropriety		3a
<u>M</u> avoid conflict		3b
<u>M</u> Confidentiality: client privilege		3e
<u>M</u> privacy of records		3f
Supervisors: employers		
<u>M</u> Responsibility for (work of) subordinates		2a
Responsibility to subordinates (as workers)		
<u>M</u> Occupational: conditions and pay		2c
<u>M</u> Professional: optimum performance		2b
<u>M</u> integrity of work		2d

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BIOGRAPHICAL NOTES

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Service: Allentown Zoning Hearing Board, Alternate (current)
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