

NYSAPLS Ethical Practices Committee's Procedures For Responding to Complaints



Approved by NYSAPLS Board of Directors 3/24/17

The New York State Association of Professional Land Surveyors has been and should continue to be a force in providing a high standard for the surveying profession in New York State. The NYSAPLS Ethical Practices Committee (EPC) receives complaints alleging unethical behavior and/or illegal practice from NYSAPLS Affiliated Regionals, NYSAPLS Members, NYSAPLS Headquarters Office, NYSAPLS Executive Board and the general public. Outlined below are the EPC's procedures for responding to complaints.

- 1) All complaints received by NYSAPLS Headquarters Office (HQ) will be forwarded to the EPC and copied to the President of NYSAPLS.
 - a) A notification will be sent to the alleged violator by the EPC informing him or her that a complaint has been received.
- 2) If the EPC determines that the complaint alleges professional misconduct or the illegal practice of land surveying (i.e. – surveying without a license), then the EPC will refer the complainant to the NYS Office of the Professions (OP) and provide the complainant with the OP Complaint Hot Line phone number (1-800-442-8106) and the OP email address: conduct@nysed.gov.
- 3) If the EPC determines that the complaint is against a NYSAPLS member and of an ethical nature (i.e. - an alleged violation of the NYSAPLS Canons of Ethics), then the EPC will conduct an investigation and forward its findings and recommendations to the NYSAPLS Board of Directors.
- 4) If the EPC determines that the complaint involves both professional misconduct and a violation of the Canons of Ethics, then the ECPC will comply with items 2 and 3 herein.
- 5) If the EPC requires additional information to determine the nature of the complaint (i.e. - professional misconduct; illegal practice; or an ethics violation) then the EPC will request additional information from the complainant and then proceed in accordance with the procedures set forth herein.
- 6) If the complaint is received by a NYSAPLS Affiliated Regional, the Regional shall either:
 - a) Address the complaint at the Regional level adhering to the procedures set forth above, or;
 - b) Forward the complaint to the NYSAPLS EPC for action by the EPC in accordance with procedures set forth herein.

The following is reprinted from Constitution and By-Laws of NYSAPLS:

Article II

Section 4 - Expulsion of Members

Upon written recommendation of three Regular Members that a member be expelled for causes set forth, the Board of Directors shall consider the matter and, if warranted, advise the accused member of the charges set forth against him/her. He/she may appear before the Board of Directors, in person or in writing within the next 90 days, to answer the charges. After hearing the accused or after 90 days, the Board may dismiss the charge or, by two-thirds vote of the entire directorship, may expel the accused member.

(a) Grounds for expulsion shall include, but not [be] limited to:

- 1. Revocation of license*
- 2. Felony conviction*
- 3. Unauthorized acts per Article 130, Sub articles 3 and 4, NY State Education Law*

Committee Structure of the New York State Association of Professional Land Surveyors:

ETHICAL PRACTICES COMMITTEE

The Ethical Practices Committee is a standing committee, and the duties assigned to it are as follows:

- (a) To formulate ethical standards of the profession and to recommend means to maintain and advance them.*
- (b) To consider and define the economic, professional and legally established interests of the surveyors and to protect and advance them.*
- (c) To Investigate and discourage unethical and illegal practices.*
- (d) To cooperate with authorities concerned with the administration of enforcement of the laws that govern and control the practices of surveying.*
- (e) To supervise the ethical practices, activities of the several affiliates and serve as an advisory body for them and a coordinating agency between them in the ethical practice matters.*
- (f) To consider and recommend to the Board of Directors the expulsion of members for cause shown.*
- (g) To review the code of practices as needed and suggest revisions to the Board of Directors.*

**TO FILE A COMPLAINT FOR AN ALLEGED UNETHICAL PRACTICE,
PLEASE USE THE FORM BEGINNING ON THE NEXT PAGE.**

**New York State Association of Professional Land Surveyors
(NYSAPLS)**

Unethical Practice Complaint Form

INFORMATION ABOUT YOU

Name: _____

Address: _____

City: _____ State: _____ Zip: _____ County: _____

Telephone (Day): _____ (Evening): _____

Email address: _____

INFORMATION ON THE PERSON(S) YOU ARE COMPLAINING ABOUT

Name(s): _____

Profession: _____ Telephone: _____

Name of Business (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____ County: _____

Describe your complaint here. Be specific and include any relevant supporting documents. What happened? When? Where? Use black ink. Use additional sheets if necessary. Please read the instructions on the reverse side carefully before describing your complaint.

To the best of my knowledge, the information in this complaint is true and complete. I hereby authorize the NYSAPLS Ethical Practices Committee to contact the NYSAPLS member I have filed this complaint against.

Signature _____

Date _____

Check here if you have included additional sheets or other material

Complaint Number
-
Year _____ Number _____
OFFICE USE ONLY

Canons of Ethics

Because of this unique situation in which the Land Surveyors are placed by virtue of their special knowledge and skill and all it is with all professions, certain distinctive fundamental qualities of conduct and decorum are assumed. It is important, therefore, that a Professional Association establish within its organization framework the Fundamental Principles of Professional Conduct that will uphold and advance the honor and dignity of the profession in keeping with its highest standards of devotion, competence, knowledge and skill toward the discharge of the moral obligations it has acknowledged to the public, to the profession, and to the fellow practitioner.

We believe the Canons of Ethics presented here will serve the best interest of the New York State Association of Professional Land Surveyors and its membership.

In your opinion, please indicate which of the following articles would be the bases of the complaint and describe the alleged unethical practice.

If you have any questions, please call the New York State Association of Professional Land Surveyors Telephone 518-432-4046.

Article	Complaint Item	Yes	No
1.	To act for the practitioner's client or employer otherwise than as a faithful agent or trustee. _____ _____		
2.	To accept remuneration for services rendered other than from his client or his employer. _____ _____		
3.	To attempt to supplant another Land Surveyor in a particular engagement after definite steps have been taken toward his employment. _____ _____		
4.	To attempt to injure, falsely or maliciously, the professional reputation, business, or employment position of another land Surveyor. _____ _____		
5.	To review the work of another Land Surveyor for the same client, except with the knowledge of Such land Surveyor, unless such Land Surveyor's engagement on the work which is subject to review has been terminated. _____ _____		
6.	To advertise Land Surveying services in self-laudatory language, or in any other manner derogatory to the dignity of the profession. _____ _____		
7.	To use the advantages of a salaried position to complete unfairly with other Land Surveyors. _____ _____		
8.	To exert undue influence or to offer, solicit or accept compensation for the purpose of affecting negotiation for any Land Surveying engagement. _____ _____		
9.	To act in any manner derogatory to the honor, integrity or dignity of the Land Surveying profession. _____ _____		
10.	To state on a map, plat or otherwise that the survey meets the minimum standards set forth in the NYSAPLS Code of Practice, when it does not. _____ _____		

Acknowledgment of Complaint:

I am requesting the Board of Directors of New York State Association of Professional Land Surveyors to forward the Complaint to the Ethics Committee for an internal review including a suggested solution from the Board of Directors of New York State Association of Professional Land Surveyors and if said complaint violates the Canons of Ethics.

To the best of my knowledge, the information in this complaint is true and complete.

Signature

Date