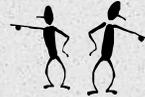




The Dilemma of Ethics?
 WSLN Northwest Chapter
 Continuing Education Seminar

19 Apr 2024



Jerry Mahun, PLS

Three-times retired

And this time I mean it

*(Some surveyors collect licenses,
 I collect retirements.)*

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"The way I see it, unethical ethics are better than no ethics at all!"

A. What are "Ethics"

Paraphrasing Justice Stewart from *Jacobellis v. Ohio*, 378 U.S. 184 (1964), his honor is credited with "I can't define pornography, but I know it when I see it."

Ethics is similar:

Not so easy to define but we all have a pretty good idea when someone behaves unethically



A. What are "Ethics"

Merriam-Webster's online dictionary Ethics definition:

1. the discipline dealing with what is good and bad and with moral duty and obligation
- 2 a: a set of moral principles : a theory or system of moral values ...
 - b: the principles of conduct governing an individual or a group
 - c: a guiding philosophy
 - d: a consciousness of moral importance
3. a set of moral issues or aspects (as rightness)

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B. Values, Morals, Laws

Values

Personal beliefs in which there is emotional investment.

Punctuality **Responsibility**
OBLIGATION
Character **INTEGRITY** **Courage**
Accountability
HONESTY **Virtue** **Self-Respect**

B. Values, Morals, Laws

Morals

Rules which guide decisions about how to achieve value(s) on a given task.



Task: Run your first marathon.

Value: Satisfaction of completion

Moral framework: Run entire circuit vs taking a shortcut

Task: Re-est PLS corner

Value: Good enough for purpose at hand (POC),
Ensure future location certainty (perpetuation)

Morale framework: degree of evidence research?

B. Values, Morals, Laws

Morals

Rules which guide decisions about how to achieve value(s) on a given task.

Flexible morale framework?

Willing to "bend the rules"?



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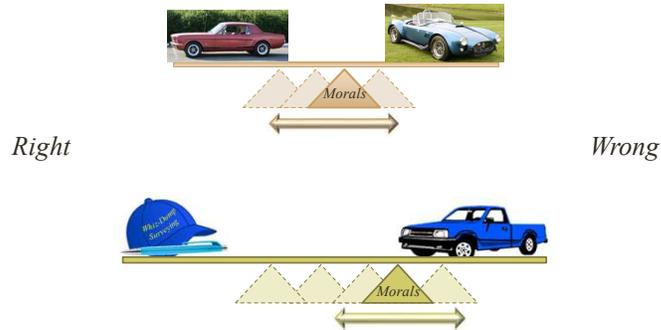


B. Values, Morals, Laws

Morals

Rules which guide decisions about how to achieve value(s) on a given task.

Can there be a *tipping point*?



B. Values, Morals, Laws

Law

Rules of conduct formally adopted & enforced by a group.
Reflect group's Values and Morals
Binding on group members

Group may be:

Society - ordinances, statutes, code, etc

Company - corporate policy



Violation penalized by group

Financial, loss or restriction of personal rights, job loss.



B. Values, Morals, Laws

Ethics

Basically: Systematized moral principles framework for making decisions where values conflict.



Standard of right or wrong proscribing how we interact with others.

Our values are involved as are *theirs*.

Our "first" ethical code?

Kindergarten/First Grade

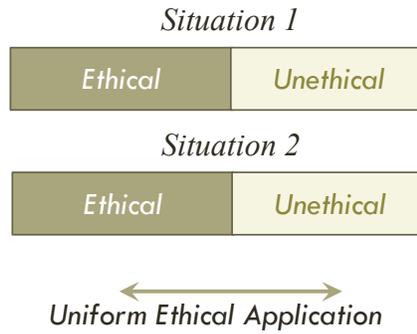
1. Don't hurt anyone
2. Tell the truth
3. Respect your parents and teachers



B. Values, Morals, Laws

Ethics

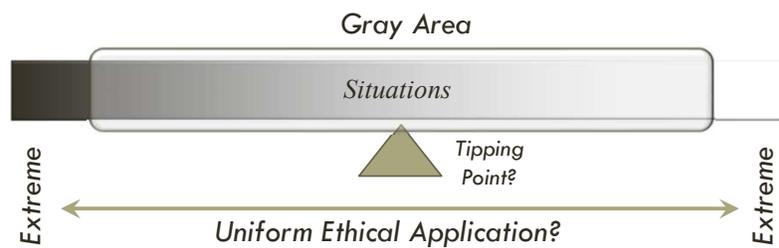
A “perfect” Ethical Code: impartial and universal.
Uniform application regardless of situation.



B. Values, Morals, Laws

Ethics

“Perfect” not possible because of conflicting values:
Differing situations may change value priorities.
Valuation is dependent on perspective
Is there a tipping point/area?



B. Values, Morals, Laws

Ethics

Society frowns on people killing other people.

We can all agree that random killing is unethical.



B. Values, Morals, Laws

Ethics

What if killing:

Accidental?

Castle doctrine?

Self-defense?

} Tipping Points?



C. Laws and Ethics

Can we base Ethics on Laws?

Laws:

- Structured and known
- Address societal concerns
- Define penalties

Society members have responsibility to know, understand, and obey.



C. Laws and Ethics

While camping, my wife has a stroke.

I put her into the car and drive as fast as I can to a hospital emergency room 15 miles away.



I exceed speed limit by considerable amounts.



Police cruiser picks me up on radar and begins pursuit.



I ignore it and keep speeding for the hospital.

C. Laws and Ethics

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Were my actions ethical?

Were my actions legal?

C. Laws and Ethics

What if...

... I'd lost control of the car, hit another car, and kept going?

Is a hit-and-run as forgivable as speeding?

... I'd lost control of the car, hit a pedestrian, and kept going?

... the ER determined my wife had heartburn?

These didn't happen until **after** I'd acted on my decision.

Should I have anticipated them?

Did I have **time** to consider these?

Do I have control over any of these?



C. Laws and Ethics

Any act is legal or illegal
Not necessarily 50/50

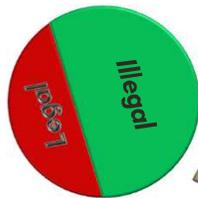


Any act can be ethical or unethical



C. Laws and Ethics

Any act is legal or illegal
Not necessarily 50/50



Any act can be ethical or unethical



Combined...



C. Laws and Ethics

Four possible consequences for each action:

Unethical and legal Unethical and illegal

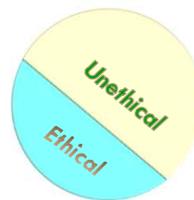
Ethical and legal Ethical and illegal

Not necessarily 25% each



C. Laws and Ethics

Not everyone has the same ethical perspective.



Although the legality may be clear.



C. Laws and Ethics

Not everyone has the same ethical perspective.

So consequences for the same action can be different.



C. Laws and Ethics

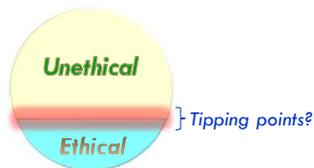
Laws and Ethics

Symbiotic relationship
Related; concern the same actions

Proportions of Legal/Illegal, Ethical/Unethical change over time.

Beliefs, values, etc, change
Evolution, maturation

Fuzzy boundaries:



Distinction: Laws involve **compliance**; Ethics involve **choice**.

C. Laws and Ethics

Laws and Ethics

Symbiotic relationship

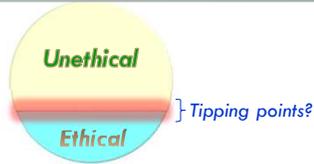
Related; concern the same actions

Pro
ove

So far we've looked at
Personal ethics.
What about **Professional ethics?**

ge

Fuzzy boundaries:



Distinction: Laws involve **compliance**; Ethics involve **choice**.

D. Professional Ethics?

1. Profession

Individuals who share specialized skill & knowledge.



Has a set of values which help maintain integrity of that profession.

Who's in charge of a profession?

Generally only authority is a licensing one

Usually gov't based, therefore define things in law.

Affect all *licensed* professionals.

D. Professional Ethics?

2. Professional Organization

Individuals grouped together to represent and advance their profession.



Organization:

Provides growth framework for the profession and individuals.

Maintains integrity

One way: develop an Ethical Code

Identify value areas and provide guidance.

Policing body - Ethics or Standards of Practice

Affect only members

Revocation of membership or certification

D. Professional Ethics?

2. Professional Organizations

Advantages of a published Code?

Disadvantages of a published Code?

General vs Detailed?



D. Professional Ethics?

2. Professional Organizations

Sample Professional Organization Codes

NSPS Surveyor's Creed and Canons

WSLS Code of Professional and Ethical Conduct

Both affect WSLS members

D. Professional Ethics?

2. Professional Organizations

NSPS Surveyor's Creed and Canons



Canon 1.	A Professional Surveyor should refrain from conduct that is detrimental to the public.
Canon 2.	A Professional Surveyor should abide by the rules and regulations pertaining to the practice of surveying within the licensing jurisdiction.
Canon 3.	A Professional Surveyor should accept assignments only in one's area of professional competence and expertise.
Canon 4.	A Professional Surveyor should develop and communicate a professional analysis and opinion without bias or personal interest.
Canon 5.	A Professional Surveyor should maintain the confidential nature of the surveyor-client relationship.
Canon 6.	A Professional Surveyor should use care to avoid advertising or solicitation that is misleading otherwise contrary to the public interest.
Canon 7.	A Professional Surveyor should maintain professional integrity when dealing with members of other professions.

D. Professional Ethics?

2. Professional Organizations



WSLS Code of Professional and Ethical Conduct

- I. Purpose/Intent
- II. Responsibility to the Public, Clients and Society
- III. Responsibility to the Profession
 - 1. Public Statements
 - 2. Conflict of Interest
 - 3. Personal Conduct

D. Professional Ethics?

2. Professional Organizations



WSLS Code of Professional and Ethical Conduct

- I. Purpose/Intent
- II. **1. Don't hurt anyone** ciety
- III. **2. Tell the truth**
3. Respect others
- 2. Conflict of Interest
- 3. Personal Conduct

D. Professional Ethics?

3. Land Surveying

Highly dependant on law: Written and Common
Boundary decisions based on legal framework.

Technology can change surveying efficiency, but not
decision making.

Corner set by compass and chain belongs where originally set.

Wis Admin Code A-E 7.03 *Boundary Location* - recreate
boundaries based on records, evidence, and measurements.

A-E 7.06 *Measurements*. (1) Measurements shall be
made with instruments and methods capable of attaining the
required accuracy for the particular circumstances involved.

D. Professional Ethics?

3. Land Surveying

Wis Admin Code A-E 8 *Professional Conduct*

- A-E 8.01 Authority.
- A-E 8.02 Intent.
- A-E 8.03 Definitions.
- A-E 8.04 Offers to perform services shall be truthful.
- A-E 8.05 Conflicts of interest.
- A-E 8.06 Professional obligations
- A-E 8.07 Unauthorized practice.
- A-E 8.08 Maintenance of professional standards.
- A-E 8.09 Adherence to statutes and rules.
- A-E 8.10 Plan stamping.
- A-E 8.11 Suspension of registration; effect.

D. Professional Ethics?

3. Land Surveying

Wis Admin Code A-E 8 *Professional Conduct*

A-E 8.02 *Intent* The intent of the examining board in adopting this chapter is to establish rules of professional conduct for the professions of architecture, landscape architecture, professional engineering, designing and land surveying. A violation of any standard specified in this chapter may result in disciplinary action under ss. 443.11 to 443.13, Stats.

A-E 8 defines misconduct, incompetency, gross negligence, misrepresentation, etc.

D. Professional Ethics?

3. Land Surveying

Wis Stat Sec 443.12 Disciplinary proceedings against professional land surveyors:

(1) The professional land surveyor section may reprimand a professional land surveyor, or limit, suspend, or revoke the license of any professional land surveyor, for the practice of any fraud or deceit in obtaining the license, or any gross negligence, incompetence, or misconduct in the practice of professional land surveying.

(2) Charges of fraud, deceit, gross negligence, incompetence, or misconduct may be made against any professional land surveyor by the professional land surveyor section or any person. Such charges may be made on information and belief, but shall be in writing, stating the specific acts, be signed by the complainant and be submitted to the examining board...

D. Professional Ethics?

3. Land Surveying

Wis Stat Sec 440.12 *Credential denial, nonrenewal and revocation based on tax or unemployment insurance contribution delinquency.*

...the department shall deny an application for an initial credential or credential renewal or revoke a credential if any of the following applies:

- (1) The department of revenue certifies under s. 73.0301 that the applicant or credential holder is **liable for delinquent taxes.**
- (2) The department of workforce development certifies under s. 108.227 that the applicant or credential holder is **liable for delinquent unemployment insurance contributions.**

D. Professional Ethics?

3. Land Surveying

Wis Stat Sec 440.13 *Delinquency in support payments; failure to comply with subpoena or warrant.*

- (2)(a) ...restrict, limit, or suspend a credential or deny an application for an initial credential if the credential holder or applicant is **delinquent in paying support or fails to comply,** after appropriate notice, **with a subpoena or warrant** issued by the department of children and families or a county child support agency...

D. Professional Ethics?

3. Land Surveying

Credential in jeopardy if:

Professional Practice

...gross negligence, incompetence, or misconduct in the practice of professional land surveying...

Business Practice

...liable for delinquent taxes or unemployment insurance contributions...

Social Responsibility

..delinquent in paying support or fails to comply with a subpoena or warrant issued...

What's next?

Speeding?

Discrimination?

Internet porn?



D. Professional Ethics?

3. Land Surveying

Statute & code define

Resurvey standards (A-E 7)

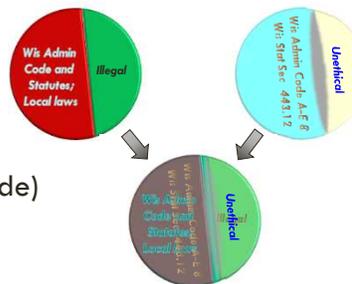
Boundary creation standards (Chp 236, 703, etc)

Professional conduct (A-E 8 & § 443.12, 440.12-13)

Ethics should be simple
since they're mostly defined
by law and code, right?

Play by the rules (statute and code)
and never:

- (1) hurt anyone,
- (2) lie to another, or
- (3) disrespect others



D. Professional Ethics?

3. Land Surveying

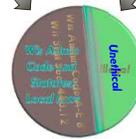
Statute & code define

Resurvey standards (A-E 7)

In other words, can we legislate ethics for every member of a regulated profession?

Play by the rules (statute and code)
and never:

- (1) hurt anyone,
- (2) lie to another, or
- (3) disrespect others



E. Case Studies

For your group and case study(ies):



- Is there an ethical dilemma? Does it depend on a particular party's perspective?
- If in your opinion there is...
 - ...no ethical dilemma, is there a tipping point which would make it one? What additional events could transition the scenario to an unethical situation?
 - ...an ethical dilemma, can something be changed and still allow the objective to be achieved?
- Is there a legal element which affects your decision on the ethics of the situation? Would removing any legal impediment change your opinion?

E. Case Studies

For your group and case study(ies):



- If ethics are involved, is it a case of personal or professional ethics? By/for whom?
- What other parties, besides those directly identified, might be affected and how? Are they identifiable before taking action? Does a responsibility to them change the situational ethics?
- Are there other factors which could change your ethical stance, eg, geographic, financial (“if I do, I won’t get paid”), presence of witnesses, etc?
- What happens if ethical perspectives clash?

Consider also whether case is *post-* or *pre-*action ethics.

If the action has not yet happened, has it started down an unethical path and if so is it salvageable?

F. Case Studies

Case Study 1

The phone call offering a class project



Case Study 2

Delayed map filing



Case Study 3

Easement not on map



Case Study 4

Surveyor Miller, the older gentleman



F. Case Studies

Case Study 5
County Surveyor candidate support



Case Study 6
Fence Corner



Case Study 7
Instructor-Attorney conversation

