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# Preventative Medicine

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BY LORRAINE PETZOLD

**W**E HAVE all heard the old adage: "An ounce of prevention is worth a pound of cure" but how many of us actually believe it when it applies to us?

Over the past several years many members of the Association have asked that the opportunity be afforded to members to improve their practices in order that they don't face discipline charges in the future or get themselves into insurance or liability problems.

In order to accommodate the obvious need for an advisory service, the Practice Advisory Committee has been constituted by Council and has been in operation for approximately two years. Over the past year it has become extremely active and is now one of the busiest committees of the Association.

## **THE TERMS OF REFERENCE OF THE COMMITTEE ARE:**

1. The Practice Advisory Committee shall consist of a minimum of five members. The Chairman of the Committee shall be appointed by Council. Its members shall be confirmed by Council.
2. Assistants of the Committee may be appointed by the Chairman from time to time.
3. The Committee shall meet at least monthly or more frequently as required.

At the present time the Practice Advisory Committee is chaired by George Glenday and the members of the Committee are Dan Cybulski, Ted Friel, William Jackson, Chris Dotterill and Lorraine Petzold. Several assistants have been appointed to the Committee in order to carry out the objects of the Committee. These assistants are from across the province and have attended a workshop at the Association offices in order to review the requirements of their positions. The Committee has found that it is necessary to meet as a whole committee monthly with at least

weekly meetings of two or three members at the Association offices to review problems.

**4. The function of the Committee shall be to provide advice to either a surveyor or surveyors as a result of:**

- (a) being notified by a member of a particular problem which he has,
- (b) being notified by a member of a problem which he has with a fellow surveyor,
- (c) being notified by a group of members of problems in their particular area,
- (d) being requested by the Complaints Committee to deal with a member as a result of complaints which have been made,
- (e) being requested by the Insurance Advisory Committee to deal with a member as a result of insurance claims which have been made,
- (f) being requested by the Survey Review Department to assist a surveyor as a result of reviews made by the Department.

If on reading the above, you have noticed that at all times the Practice Advisory Committee does not appear only to deal with surveyors on a voluntary basis, you are correct. Under Section 4(a) the surveyor has come to the Committee with a problem. Under 4(b) another member of the Association has brought up a problem regarding a fellow surveyor and here the Committee has to deal with two people. Under 4(c) a group of members in an area may bring their problem to the Association. This has recently happened where it was brought to the attention of the Association that a surveyor appeared to be compiling plans from previous survey information and undertaking surveys with many shortcuts. Under 4(d) the Complaints Committee may refer to the Practice Advisory Committee a member who, in their opinion, appears to require

either limited or lengthy assistance in certain areas. Several members have been referred by the Complaints Committee to the Practice Advisory Committee and are now dealing cooperatively with the Committee. 4(e) is similar to 4(d), however, this time it is the Insurance Advisory Committee who refers a person to the Practice Advisory Committee due to the quality of work they have reviewed in looking over the insurance claim. Two or three members have been referred by the Insurance Advisory Committee over the past few years. 4(f) allows the Survey Review Department to refer members to the Practice Advisory Committee as a result of either Comprehensive Reviews or Systematic Plan Reviews. At the present time, several survey firms have been referred to the Practice Advisory Committee by the Survey Review Department. In none of the instances allowed under 4(d) (e) or (f) has the Practice Advisory Committee found, upon reviewing the referral, that the referral was not in order or that there was nothing to deal with with the surveyor concerned.

**5. In the case of an individual problem, the Committee or its Assistants shall review the matter and render advice to the surveyor regarding the resolution of the same. Where the matters are of general interest, the information shall be transmitted to the membership at large by means of an educational publication.**

Section 5 outlines how an individual problem which is brought to the Committee is resolved by the Committee with the advice going back to the surveyor. At the present time the procedures of the Committee are being developed.

**6. The Committee shall undertake the providing of advice to surveyors through the monitoring program of the Committee. Monitoring shall consist of receiving surveys from the surveyors and providing advice regarding the same. It may include field checks and office visits in order to further assist the surveyor in improving his practice.**

This section indicates how the monitoring and the providing of advice to surveyors shall be undertaken by the Committee. A surveyor who has been referred to the Committee usually meets with a Member and an Assistant of the Committee in his own office. At that time, the representatives of the Commit-

tee outline to the surveyor their concerns regarding the quality of his work. They will generally review in a broad scope several of the plans, field notes, or other items which are of concern. They will then arrange with the surveyor a monitoring or assistance program wherein the surveyor submits certain files to the Assistant of the Committee and receives back from the Committee a detailed critique of all items relating to that survey (from the recording of the title research to the final plan and report). The Practice Advisory Committee through its Assistant may undertake field checks and, as indicated above, provides an office visit.

In most instances one office visit is sufficient; however, with some surveyors who are participating in the program, the Assistant from the Practice Advisory Committee and the surveyor in question find it beneficial for frequent meetings in order to discuss certain matters. The Assistant also outlines to the surveyor those continuing education programs which he feels he should take part in to assist him in improving his practice.

**7. The Committee shall invoice the surveyors receiving advice to recover expenses and fees paid to monitors. The fee shall be a fee owing to the Association.**

When the Committee meets with the surveyor, it outlines the services that are going to be rendered and the fees that are required. The fee per file is nominal and generally does not cover all the expenses of the Practice Advisory Committee. It is felt that the members of the Association as a whole should not be responsible for providing continuing education or the Practice Advisory service to the membership individually. This item has been agreed to by all surveyors participating with one notable exception.

**8. The Committee shall not deal with any matters which fall within the scope of the Complaints Committee but rather should refer the same to the Complaints Committee.**

Obviously the Practice Advisory Committee is not an alternative to the Complaints Committee but rather a preventative action, therefore, the Committee cannot deal with matters which they come across which in fact belong with the Complaints Committee. This refers to instances of unethical behaviour,

items which transgress in their opinion the line between competence and incompetence. Any items of this nature have to be referred to the Complaints Committee.

The other item which may be referred to the Complaints Committee is the refusal of the surveyor to deal with the Committee. Under the Code of Ethics of the Association the membership has to answer all reasonable requests of the Association. The Association cannot be put in the position of being "put on notice" regarding a surveyor's poor practice and being of the belief that unless the practice is improved, it will deteriorate and require discipline and yet do nothing about it. If the surveyor refuses to deal with the Practice Advisory Committee in a voluntary and cooperative manner, the only alternative that the Practice Advisory Committee has is to refer the matter to the Complaints Committee for action.

**9. The Committee may request Comprehensive Reviews, Systematic Plan Checks or Limited Reviews from the Survey Review Department. Such requests shall be in writing and shall specifically outline the scope of such review.**

In order that each committee of the Association does not have to carry out separate reviews and to ensure that a member of the Association is not having two or three committees deal with him at the same time, the Practice Advisory Committee may obtain Comprehensive Reviews or Systematic Plan Checks or Limited Reviews from the Survey Review Department. This means that if the Practice Advisory Committee requires a Comprehensive Review from the Survey Review Department, then this takes the place of the Comprehensive Review that would normally be done on the firm once every five years by the Survey Review Department.

**10. All matters dealt with by the Practice Advisory Committee are confidential to the Committee and only statistical information may be given to Council or others in the Association.**

Some members feel they can write directly to Council regarding items dealt with by the Practice Advisory Committee. This is not permissible because some items do progress to the point where Council may have to sit in judgement on them. The matter may be referred to Council in general or may be referred

to a representative from Council to review.

**11. The Committee shall refer to the Standards Committee or the Continuing Education Committee, from time to time, matters which they feel should be pursued by these committees in order that the membership may better serve the public.**

You will note that in Item 11 the Practice Advisory Committee is referring to the Standards Committee or the Continuing Education Committee those items which they feel should be matters of continuing education or bulletins.

**12. The Practice Advisory Committee may refer matters to the Complaints Committee where:**

(a) the matter appears to involve unethical conduct or survey practices which appear to fall within the scope of the Complaints Committee;

(b) instances where the surveyor refuses to cooperate with the Practice Advisory Committee.

Item 12 explains as outlined earlier the referrals to the Complaints Committee.

**13. In any matters referred in 12 above, any member of the Committee who is a member of the Administrative Staff of the AOLS, shall not vote.**

Item 13 is quite clear that no administrative staff member has a vote on any matter covered in Section 12. The Executive Director ensures that the Committee meets and that minutes are recorded, that files are maintained and properly indexed at the Association offices, and reports are kept on all monitoring or assistance programs. In addition, the Executive Director aids the Committee by attending at offices of members to outline to the members the role of the Committee.

As you can see from the above, this "ounce of prevention" takes up more than an "ounce of time". The preventative program of the Association has been asked for by the membership for many years. As I have been involved in discipline cases over the past ten years, the one cry that we have always heard is: "Do something to prevent discipline." We are now undertaking a well-organized but extensive program to pre-

vent discipline. I would emphasize that the Practice Advisory Committee is neither the alternative for the Complaints Committee nor an alternative to discipline. If a matter has progressed to the point where it is now incompetent practice or unethical behaviour and where the Committee feels it is beyond their scope then it has to be referred to the Complaints Committee. You will note that the Practice Advisory Committee cannot refer matters to discipline. All matters have to first go through the Complaints Committee and, as you have previously been made aware, referrals can then be made to the Review Board and then to Discipline.

Hopefully, once several years have gone by and the Practice Advisory Committee has been able to assist members throughout the province, the incidents of complaints and discipline will decrease. At the present time we are finding the work excessive. The number of survey firms which allow their staff to make illegible field notes, undertake minimal poor practices in the field, have not maintained their own continuing education and do not know how to report to the client on boundary problems, are many.

The Committee only hopes that it can be effective and can find enough people to assist it with its work. We trust that the members of the Association who are asked to participate in this program will do it not only willingly but eagerly in order that our participation with them will be short-lived thus allowing us to assist another member who requires our assistance.

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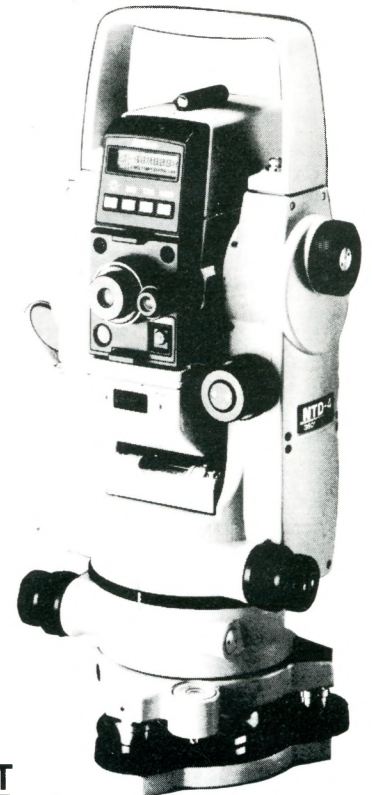
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