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[RULE §663.1](#)**Ethical Standards**

(a) Inasmuch as the practice of the land surveying profession is essential to the orderly use of our physical environment, and inasmuch as the technical work resultant thereof has important effects on the welfare, property, economy, and security of the public, the practice should be conducted with the highest degree of moral and ethical standards. And inasmuch as the state legislature has vested in the board the authority, power, and duty to establish and enforce standards of conduct and ethics for professional surveyors and licensed state land surveyors to ensure compliance with and enforcement of the Texas Board of Professional Land Surveying, the following standards of responsibility and rules of conduct are hereby promulgated and adopted by the board.

(b) So that every applicant for registration as a professional land surveyor or licensed state land surveyor shall be fully aware of the great obligation and responsibility due the public, the standards of responsibility are promulgated by the board. In furtherance of this intent, every registrant should endorse the standards of responsibility.

(c) It is the responsibility of each registrant to notify the board of any change of mailing address as it occurs.

(d) Each firm offering surveying services to the public shall notify consumers and service recipients of the name, mailing address, and telephone number of the board for the purpose of directing complaints to the board. This can be accomplished by:

(1) a sign prominently displayed in the place of business of each registrant offering professional land surveying services; or

(2) on a bill for professional land surveying service; or

(3) on each written contract for services.

Source Note: The provisions of this §663.1 adopted to be effective February 25, 1991, 16 TexReg 862; amended to be effective September 1, 1992, 17 TexReg 5543.

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RULE §663.2

Intent

(a) The intent of the sections in this chapter shall be:

- (1) to create standards of responsibility as guidelines for the profession; and
- (2) to create rules of conduct for governance of the profession ; and
- (3) to provide technical standards governing land boundary surveying.

(b) The rules shall be binding on all registrants, but nothing contained therein shall be construed to supersede the statutory law of the state.

(c) The board shall determine what acts constitute gross negligence, incompetency, misconduct, and violation of the rules and shall institute appropriate disciplinary action which may lead to reprimand, suspension, or revocation of the certificate of registration or certificate of licensure.

Source Note: The provisions of this §663.2 adopted to be effective February 25, 1991, 16 TexReg 862; amended to be effective July 18, 1999, 24 TexReg 5195

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RULE §663.3

Offer to Perform Services

The client or employer is entitled to a careful and competent performance of services. Competence in performance of services requires the exercise of proficiency, reasonable care, and diligence. Therefore, every effort should be made to remain proficient in a field of endeavor, and employment for services to be rendered should not be accepted unless such services can be competently performed. The registrant:

(1) shall accurately and truthfully represent to any prospective client or employer his/her capabilities and qualifications to perform the services to be rendered;

(2) shall not offer to perform, nor perform, services for which he/she is not qualified in any of the technical fields involved, by education or experience, without retaining the services of another who is so qualified;

(3) shall not evade his/her statutory responsibility nor his/her responsibility to a client or employer.

Source Note: The provisions of this §663.3 adopted to be effective February 25, 1991, 16 TexReg 862; amended to be effective January 27, 2004, 29 TexReg 633

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RULE §663.4

Conflicts of Interests

The acceptance of employment, or engagement to perform services, requires the faithful discharge of duty and performance of services, as well as the avoidance of any conflict of interests. All dealings with a client or employer, and all matters related thereto should be kept in the closest confidence. Should an unavoidable conflict of interest arise, the client or employer should be immediately informed of any and all circumstances which may hamper or impair the quality of the services to be rendered. The registrant:

(1) shall not agree to perform services for a client or employer if there exists any significant financial or other interest that may be in conflict with the obligation to render a faithful discharge of such services, except with the full knowledge, approval, and consent of the client or employer and all other parties involved;

(2) shall not continue to render such services without informing the client or employer, and all other parties involved, of any and all circumstances involved which may in any way affect the performance of such services, and then only with the full approval of the client or employer;

(3) shall not perform, nor continue to perform services for a client or employer, if the existence of conflict of interest would impair independent judgment in rendering such services;

(4) shall withdraw from employment at any time during such employment or engagement when it becomes apparent that it is not possible to faithfully discharge the duty and performance of services owed the client or employer;

(5) shall not accept remuneration from any party other than his/her client or employer for a particular project nor have any other direct or indirect financial interest in other services or phase of service to be provided for such project, unless the client or employer has full knowledge and so approves;

(6) shall keep inviolate the confidences of his/her client or employer, except as otherwise required in the rules of conduct.

Source Note: The provisions of this §663.4 adopted to be effective February 25, 1991, 16 TexReg 862; amended to be effective January 27, 2004, 29 TexReg 634

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RULE §663.5

Representations

The highest degree of integrity, truthfulness, and accuracy should be paramount in all dealings with, and representations to, others by not misleading in any way the other's understandings of personal qualifications or information regarding a project. The registrant:

- (1) shall not allow a person who is not registered or licensed under the Professional Land Surveying Practices Act to exert control over the end product of his/her professional work;
- (2) shall not indulge in publicity that is false, misleading, or deceptive;
- (3) shall not misrepresent the amount or extent of prior education or experience to any employer or client, nor to the board;
- (4) shall not hold out as being engaged in partnership or association with any person or firm unless there exists in fact a partnership or associations;
- (5) shall not, without the knowledge and consent of his/her client, recommend to a client services of another for the purpose of collecting a fee for himself for those services.

Source Note: The provisions of this §663.5 adopted to be effective February 25, 1991, 16 TexReg 862; amended to be effective September 20, 1998, 23 TexReg 9343; amended to be effective November 1, 2004, 29 TexReg 10115

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RULE §663.7

Maintenance of Standards

Aid should be given the board in maintaining the highest standards of integrity and competence of those in its subject profession and occupation. The registrant:

(1) may initiate a complaint or furnish the board with any information that comes into his/her possession, indicating that any person or firm has violated any of the provisions of the registration laws or code;

(2) shall furnish any information he/she might have concerning any alleged violation of the registration laws or code upon request of the board or its authorized representatives.

Source Note: The provisions of this §663.7 adopted to be effective February 25, 1991, 16 TexReg 862; amended to be effective September 20, 1998, 23 TexReg 9343; amended to be effective January 27, 2004, 29 TexReg 634

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RULE §663.6

Unauthorized Practice

All reasonable assistance in preventing the unauthorized practice of land surveying should be given the board. Unauthorized practice should not be aided in any way. The registrant:

- (1) shall make known to the board any unauthorized practice of which he/she has personal knowledge;
- (2) shall divulge to the board any information, of which he/she has personal knowledge, related to any unauthorized practice upon request of the board or its authorized representatives;
- (3) shall not delegate responsibility to, nor in any way aid or abet, an unauthorized person to practice, or offer to practice.

Source Note: The provisions of this §663.6 adopted to be effective February 25, 1991, 16 TexReg 862; amended to be effective January 27, 2004, 29 TexReg 634

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RULE §663.8

Adherence to Statutes and Codes

Strict adherence to practice requirements of related sections of the statutes, the state code, and all local codes and ordinances should be maintained in all services rendered. The registrant:

(1) shall abide by, and conform to, the registration and licensing laws of the state;

(2) shall abide by, and conform to, the provisions of the state code and any local codes and ordinances not consistent with this Act. Any surveyor subdividing land into tracts subject to statutory requirements providing for an approval process by a governing body for such subdivision shall notify the individual whose intent it is to create the subdivision of the existence of the statutory requirements that pertain to and affect the development of the proposed subdivision prior to commencing the survey. It is recommended that this notification be in writing and a copy of which is maintained within the surveyor's permanent records.

(3) shall not violate nor aid and abet another in violating a rule of conduct nor engage in any conduct that may adversely affect his/her fitness to practice;

(4) shall not sign nor impress his/her seal or stamp upon documents not prepared by him/her or under his/her control or knowingly permit his/her seal or stamp to be used by any other person.

(5) shall not submit or request, orally or in writing, a competitive bid to perform professional surveying services for a governmental entity or political subdivision of the State of Texas unless specifically authorized by state law.

(A) For purposes of this section, the board considers competitive bidding to perform professional surveying services to include the submission of any monetary cost information in the initial step of selecting qualified professional land surveyors. Cost information or other information from which cost can be derived must not be submitted until the second step of negotiating a contract.

(B) This section does not prohibit competitive bidding in the private sector.

Source Note: The provisions of this §663.8 adopted to be effective February 25, 1991, 16 TexReg 862; amended to be effective January 1, 2000, 24 TexReg 10332; amended to be effective January 27, 2004, 29 TexReg 635; amended to be effective February 24, 2005, 30 TexReg 848

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RULE §663.10

Disciplinary Rules

The land surveyor shall not:

- (1) violate any provision of the Professional Land Surveying Practices Act (the Act) or disciplinary rules thereof;
- (2) circumvent or attempt to circumvent any provision of the Act or disciplinary rules thereof through actions of another;
- (3) participate, directly or indirectly, in any plan, scheme, or arrangement attempting to or having as its purpose the evasion of any provision of the Act and disciplinary rules;
- (4) fail to exercise reasonable care or diligence to prevent his/her partners, associates, or employees from engaging in conduct which, if done by him, would violate any of the provisions of the Act or rules;
- (5) engage in any conduct that discredits or attempts to discredit the profession of surveying;
- (6) permit or allow any professional identification, seal, form, or business name, or service to be used or made use of, directly or indirectly, or any manner whatsoever, so as to make possible to create the opportunity for the unauthorized practice of professional surveying by any person, firm, or corporation in this state;
- (7) perform any acts, allow any omission, or make any assertions or representation which may be fraudulent, deceitful, or misleading, or which in any manner whatsoever, tend to create a misleading impression;
- (8) aid or abet, directly or indirectly, any unlicensed person in connection with the unauthorized practice of professional surveying or any firm or corporation in the practice of professional surveying unless carried on in accordance with the Act.

Source Note: The provisions of this §663.10 adopted to be effective February 25, 1991, 16 TexReg 862; amended to be effective September 20, 1998, 23 TexReg 9343; amended to be effective November 17, 2008, 33 TexReg 9249

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RULE §663.9

Professional Conduct

(a) The surveyor shall not offer or promise to pay or deliver, directly or indirectly, any commission, political contribution, gift, favor, gratuity, or reward as an inducement to secure any specific surveying work or assignment; provided, however, this rule shall not prevent a professional surveyor from offering or accepting referral fees or from discounting fees for services performed, with full disclosure to all interested parties. Further provided, however, a surveyor may pay a duly licensed employment agency its fee or commission for securing surveying employment in a salaried position.

(b) The surveyor shall not make, publish, or cause to be made or published, any representation or statement concerning his/her professional qualifications or those of his/her partners, associates, firm, or organization which is in any way misleading, or tends to mislead the recipient thereof, or the public concerning his/her surveying education, experience, specialization, or any other surveying qualification.

(c) The public shall be provided every reason for relying upon the surveyor's seals, signatures, or professional identification on all documents, plats or maps, surveyor's reports, plans, or other surveying data on which they appear as a representation that the surveyors whose seals, signatures, or professional identification appear thereon, have personal knowledge thereof and that they are professionally responsible therefor.

Source Note: The provisions of this §663.9 adopted to be effective February 25, 1991, 16 TexReg 862; amended to be effective January 27, 2004, 29 TexReg 635

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