

# ALTA Surveys from the "Other Side of the Table"

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As land surveyors, it's easy to get caught up in the day-to-day work and not stop to look at the big picture. But after a long and successful career, Jay Kay Seymour can say with certainty that there is value in stepping back and looking at your business from a different angle – the client's perspective.



Jay is a professional land surveyor with 50+ years of experience and is the owner of Professional Land Consultants, Inc., Semi-retired. One of his favorite things is mentoring younger surveyors and sharing his insights from decades in the business. Jay joined us on a recent Mentoring Mondays call to talk about ALTA surveys and best business practices.

"We as professionals all understand our side, and we get a little frustrated saying that idiot on the other side of the table doesn't know what he needs," said Jay. "We have to keep in mind first and foremost, that idiot pays our bills."

If you want to build a truly successful surveying business, you need to talk to your clients carefully. It would help if you also vetted them. You need to ensure that you are landing ideal clients with the opportunity for repeat business. And it would help if you protected yourself from lawsuits and lost revenue. In this article, we've summarized Jay's advice.

## **Find a surveying specialty**

One way that you can impress your clients and find success as a surveyor is to pick a specialty. This will help you thoughtfully pursue continuing education and will serve to make you more competitive.

Jay made the comparison to a medical specialist. A cardiologist specializes in heart issues, while an oral surgeon specializes in dental issues. Similarly, you may be in an area that never does an ALTA survey, and that's OK.

"We surveyors tend to think we can do it all. And let me be your wake-up call tonight," said Jay. "Find what you do best. Stay with that, expand out from that to do similar type projects. I never built a high-rise building. I never did a pipeline. But I did 3,000 ALTA surveys."

## **Don't survey outside your backyard**

It might be impressive to meet a surveyor who's licensed in dozens of states. But most surveyors do most of their work in one single area. And there is a good reason for that. When you focus on one area, you have the advantage of knowing things inside and out. You can better identify the right projects and can complete those projects faster.

"We will not survey in San Diego or downtown San Francisco, or for that matter in the middle of nowhere, Bishop. Because each area has its own local color, and you've got to be careful about that," said Jay.

When you know the area, you know where the blocks don't close. You know where there have been lot line adjustments that never got recorded. And you know where lines are 1- 20 feet off.

## **Follow in the footsteps of your predecessors**

It's important to keep in mind that surveyors are subject to liability. Jay has worked for the government for many years and knows firsthand that the state board for every state is not there to help surveyors. It's there to revoke your license if you are accused of wrongdoing.



As surveyors, the burden to prove innocence is on us. We are guilty until proven innocent. "When a charge is brought against you, you then have to go back to your documentation, to your boundary establishment and analysis, all the information you have, and prove to everyone that you are right," said Jay. Whether you are doing an ALTA survey, a boundary survey, or a staking document, the number one rule is to put down footprints.

"You've got to follow in the GLO footsteps. Those same footsteps are the same ones you put down on everything you do. Everything we do is subject to liability. We have to remember that. It may be a long time before it pops up, but it will pop up," Jay said.

It doesn't help that surveyors often get a bad reputation. According to outsiders like title officers, surveyors are often seen as being late, taking inconsistent measurements, and disagreeing with other surveyors. Many outside the profession do not even see surveyors as professionals. Instead, they see them as craftsmen similar to a carpenter. This makes it all the more important to be consistent, set high standards, and communicate professionally with clients.

## **ALTA Surveys**

ALTA stands for American Land Title Association. An ALTA survey is only used on a property where the money is exchanging hands to protect a statute of fraud by obtaining title insurance. You don't do ALTA surveys on single-family homes. It's almost exclusively a survey done for commercial and industrial buildings, residential multi-family units, or apartment buildings.

Because surveying is, in essence, a historical profession, it is interesting to note ALTA's changes and progression over time.

**1941:** American Congress on Survey Mapping (ACSM) was born; died in 2012.

**1946:** ACSM established minimum standards.

**1962:** ATA/ACSM – first attempt at maximum positional tolerances.

**1979:** Standards were not jointly accepted by ALTA; never enacted.

**1986:** Class of surveys; 1<sup>st</sup> table of minimum standards by ALTA.

**1988:** Table 3: 16 additional items added to the standards.

**1991:** Interpretation and application of Table 3.

**1994:** Measurement standards; HUD requirements added.

**1997:** Revisions to the measurement standards; changes to HUD.

**1999:** Optional Table "A" removal of Class Urban / Rural 1<sup>st</sup> NSPS.

**2005:** Clarification of Table "A" Cert changes; NSPS 2003 standards.

**2011:** First major revision of the standards in over 50 years.

**2012:** ACSM morphed into NSPS. 48 States (all but two) are affiliated.

**2016:** "House cleaning" items; clarification of the 2011 standards.

**2021:** "House cleaning" items; clarification of the 2016 standards.

This history has important implications. The thing to recognize is that if a client calls about an old 1999 ALTA survey and wants it updated to the 2020 standards without completing a new survey, you must refuse. You can only certify to the current statutes in place.

You must also recognize what is allowable under the law for insurance purposes. Sometimes clients or lawyers ask you to do a certification, but again, the answer is no. "If you change the certification, it is not an ALTA survey. They cannot get ALTA insurance," said Jay. "And that closure is going to get held up and cause a lot of problems."

### **Be solution-oriented**

It seems obvious, but surveyors should consistently and genuinely ask clients what they need. Jay said that often a project is like a game of telephone. The client tells someone they need a tire swing, and what they get is a dining room chair.

There is probably nothing more critical for Jay than the client relationship and talking to your clients with your problem-solver hat on. The client isn't interested in hearing you speak or hearing about what equipment you operate. Only once you understand what your client needs can you go about convincing them that you are the right firm for the job.

Being solution-oriented opens doors. Jay described how he starts with small talk in order to avoid going straight to money talk. "The first thing they'd say is I need you to ALTA survey, and we want you to get it for me. How much will it be?" said Jay. "Whoa, cowboy, let's hear about where you are or what it is. Do you have a title report? Then you ask all those questions about what you want to do in a sales presentation. We, as surveyors historically, are not good salespeople. Ask them questions that they have to answer you back."

In this same scenario, imagine that the client said they didn't yet have a title report. Instead of telling them to go get one and call you back, offer to contact their title officer on their behalf to get the ball rolling. While you aren't yet guaranteed the work, you're now 90% closer to getting it should the client move forward. When clients see that you are trying to solve their problem, they see you as a fellow human being who they can treat with a sense of appreciation.

### **Represent the seller**

Financially, Jay explained that it makes sense to represent the seller rather than the buyer in any given transaction. "You want to work for the seller because they own the dirt, the wood, and the concrete. They have a vested interest in the deal," said Jay. "The buyer is a hotshot that showed up, opened up the escrow, put \$10,000 to \$1 million dollars into an escrow account, and wants to buy a piece of property." When escrows fail to close, the culprit is almost always the buyer.

The other advantage to working with sellers is that they provide an opportunity for repeat business. If a seller enjoys working with you to complete the sale of one property, they may choose to work with you again when selling or buying another.

"I prefer if I can do the seller also because when he sells, he's probably going to want to go buy somewhere else, while the buyer might be out of money, and that's his one deal," said Jay. "They could also be a big developer who's going to buy several things. So you have to always quantify where you are, see who the people are, and see if you can get more business out of them."

## **Be a business person first, and a surveyor second**

It may be controversial, but Jay said that it would benefit all surveyors to be a business person first and a surveyor second. "If you're not a good business person, you won't be around next year to show me how good a surveyor you are," said Jay. "Change your focus: business-oriented first, then show the world what a good surveyor you are."



Jay told the incredible story of working on a Thursday afternoon in Inglewood, California. He was getting ready to leave for the weekend when a call came in from an architect in Paris. The architect said that he needed an ALTA survey by Monday morning for the Forum, the stadium of the Los Angeles Lakers. It turned out that Wayne Gretzky needed the survey as part of his deal to join as a player and business partner of the Kings, who owned the Forum at that time.

While many surveyors would have written off such a quick turnaround as impossible, Jay knew he could make it happen because he had worked with the company that built it. He also knew that with a deadline like this, he could charge practically whatever he wanted. He had his accountant send over the bank wiring information and got to work.

"I put four survey crews out Saturday and Sunday," said Jay. "We knew what it was. It was a circle. We counted parking stalls and drew them up. And this was 1988, folks. Does anybody want to guess how much money I got for that survey? \$85,000."

Being a savvy business person meant understanding that he could work successfully within the quick timeline and understanding that a rush job was incredibly valuable. "You may be able to jump through all those hoops and understand if nobody else can do it. And you have the inside track. You're the one that should do it and elevate your price. It's not a \$20,000 ALTA anymore."

## **Navigating contracts successfully**

When you begin a project, there are certain things that you should consider from a business standpoint. When creating contracts, Jay suggests considering the following questions.

### **How many attorneys are involved in the transaction?**

Each one will need copies of your survey changes when they occur. And each one will send it back to you with questions, comments, insertions, and deletions. It is wise to phase your contract to state that if revisions and changes will be made by all sets of attorneys, that it is outside the scope of the original contract and subject to T&M fees.

### **Are your state requirements spelled out in the contract?**

You should know your state requirements for contracts inside and out – and your client should be aware that you are well informed. Each state has minimum standards as set by state law. Many states mandate that you have a written contract in place before work commences. And according to the executive director of the California State Board, the number one case brought against surveyors is a violation of a contract. That's why it's doubly important to go into each project with your eyes wide open and provide an option for both parties to get out of the contract if need be.

## **Does your contract spell out inclusion and exclusions?**

Many surveyors focus on the contract scope of work by stating what is included. But Jay believes it can be just as important to spell out what's excluded. For example, in his own proposals, he states that if the TOD report is 2+ years old and no backup documents, upon receipt of a new title report and the associated backup documents, we will stop the lump sum phase or renegotiate or go T&M until we get back on contract. It's important to be deliberate about what services you are and aren't rendering.

## **Research your clients**

It's a good best practice to look at every new project with a fresh set of eyes. And that includes working with repeat clients. "What good is it to take another ALTA survey from the guy that owes you for the last three?" asked Jay. "It doesn't say bank on my forehead. It says professional and surveyor. I can't keep carrying these people on the books. This seems funny, but you need to do it when you get busy."



Sometimes, the person who's supposed to be footing the bill for a survey project isn't obvious at first glance. You may say yes to a new project and think that you're working with a new set of developers. But between the LLC and something else, the billing address on the contract may be the address of an existing client who owes you money. "Review a title report, backup documents, standards, and specifications of the deal. Qualify, quantify, identify," said Jay.

Investigating clients can also result in big payoffs and much more work than the survey that's first discussed. One example Jay gave was from back in 1987 when an ALTA survey was requested on an undeveloped area in Palm Springs. His research showed that the person behind the project was a well-known and well-funded retirement community builder.

"I went to the owner of my company. Now I said, look, boss, they want the ALTA survey and the engineering design survey for free, but they'll give us a contract to build 22,000 homes. And the full engineering." His boss at the time refused, on the grounds that he didn't want to do a free \$9k ALTA survey. If his boss had dug into the project as Jay had, the company would still be busy working on that project over 30 years later.

## **Finding new business**

Now that we've covered how to vet projects that come your way, it's time to dive into a topic that Jay is passionate about – how to market yourself and proactively find new business.

## **Assess your won and lost bids**

"One of the problems we have with most companies is we spend a lot of time, money, energy, and effort on proposals and don't get them," Jay said. His advice? Take a good close look at the past projects you've bid on. How many were construction, staking, ALTAs, etc.? And of those bids, how many did you win? It's important to assess and learn from your experience rather than continue blindly into each new year.

## **Spend more on marketing**

You should also rethink your idea of marketing. Marketing doesn't have to be schmoozing on the golf course, as fun as that may be. It can also be a dozen small and easy things. Strong businesses typically spend 12-15% of their gross revenue on marketing business development.



### **Use the eyes of your field crew**

"The reality is my best marketer are my field crews," Jay said. "They're driving around. They see signs for sale. I told all my crews to take pictures of that sign 'for information on this property call this number,' because it may be vacant now, but it's probably going to be developed."

### **See what your local planning departments are up to**

Explore what local city/county planning departments have in the pipeline. It's possible they may not yet have a surveyor assigned to a new project. They could also be ready to replace someone they're unhappy with. "They may mad at the surveyor because he did a terrible boundary survey and ready to dump him and give the engineering and construction staking to somebody else," said Jay.

### **Order business cards**

It's a no-brainer that the owner or person in charge should have business cards. But you should also order business cards for your entire team. They are very inexpensive, and when given to both the office and field crew, they make everyone feel like they're equally professional and ready to network should the opportunity arise.

### **Make phone calls with confidence**

If you see a sign about a property, call the number on it like you mean business. Jay has called up Cushman and Wakefield, a huge nationwide company. When he dials the generic 1400 number, he says, "I'm looking at your sign at 444 Ocean Boulevard, downtown Long Beach, California. Who do I need to talk to?" The more aggressive and assertive you are on a phone call to the gatekeeper, the faster the receptionist or gatekeeper will let you through.

### **Consider new technology**

When applicable, take new tech and make it work for you. One example is scanning, a technology now popular with planners that maps out what the inside of a building looks like.

"The bottom line is there's a new market, a new revenue stream for our surveyors scanning inside," said Jay. "Our paradigm is changing." Today, it's possible to make a living doing something very niche, like scanning office spaces.

### **Invest in community advertising**

Increase the visibility of your company name by getting it on sports fields and musical programs. It's a win-win because your advertising dollars are supporting your local schools and sports activities. "Baseball fields, they have those little banners, 1-4 foot banners," said Jay. "You want to see your company name out there in center field." Don't forget free advertising space, like putting signs on your cars and trucks.



### **ABC: always be closing**

Finally, follow the ABC rule: always be closing. Every phone call you make to wrap up an existing project should include putting out feelers for future work. "When I call my client and say I'm ready to deliver this, I say, what are you doing next week? What's your next project?" said Jay. "Ask the question." If you don't ask when he gets busy, his company will fall back on the same de facto surveyors. Jay is also an advocate for handwritten notes on invoices, thanking clients for their business.

Jay's final words of wisdom included tips like the following:

- Avoid limiting your workload to 1-3 sources or revenue streams. If you only work on single-family projects and that dries up, you're in trouble.
- Never lower your hourly rate during economic downturns. Discount your fee instead.
- Avoid meeting during prime working hours. Aim for lunch or dinner meetings to save time.
- Remember that every document you send out needs a certification.
- Follow up on every job you bid for.
- Whenever possible, ask for lump sum payment terms versus time & materials.
- When you don't win business ask what you can do better next time.

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