

Engineering Ethics

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Presentation Disclaimer

This presentation is intended to act as a primer to discuss the differences in how ethics is viewed and applied. In no way is this presentation legal advice or replace independent professional judgement. Ethics laws vary widely between states and even between municipalities and therefore require review for each situation.

Bottom Line: Do your own research as each situation is unique.

References presented were accessed in October 2022.

Safety Moment

Always remember your PPE on the job site!

Every jobsite is different and may require different PPE.



Protect Yourself Construction Personal Protective Equipment (PPE)

Eye and Face Protection

- Safety glasses or face shields are worn any time work operations can cause foreign objects to get in the eye. For example, during welding, cutting, grinding, nailing (or when working with concrete and/or harmful chemicals or when exposed to flying particles). Wear when exposed to any electrical hazards, including working on energized electrical systems.
- Eye and face protectors – select based on anticipated hazards.

Foot Protection

- Construction workers should wear work shoes or boots with slip-resistant and puncture-resistant soles.
- Safety-toed footwear is worn to prevent crushed toes when working around heavy equipment or falling objects.

Hand Protection

- Gloves should fit snugly.
- Workers should wear the right gloves for the job (examples: heavy-duty rubber gloves for concrete work; welding gloves for welding; insulated gloves and sleeves when exposed to electrical hazards).

Head Protection

- Wear hard hats where there is a potential for objects falling from above, bumps to the head from fixed objects, or of accidental head contact with electrical hazards.
- Hard hats – routinely inspect them for dents, cracks or deterioration; replace after a heavy blow or electrical shock; maintain in good condition.

Hearing Protection

- Use earplugs/earmuffs in high noise work areas where chainsaws or heavy equipment are used; clean or replace earplugs regularly.

For more complete information:

OSHA Occupational
Safety and Health
Administration
U.S. Department of Labor
www.osha.gov (800) 321-OSHA

OSHA 1230-DUM-05

Quick Facts

Capital

Cheyenne

Nickname

Big Wyoming, Cowboy State, Equality State

Motto

Equal Rights

Admitted to Union

July 10, 1890 - 44th State

Size

97,914 square miles, 9th largest state

Highest Point

Gannett Peak, 13,804 feet

Lowest Point

3,100 feet Belle Fourche River

Average Annual Precipitation

14.5 inches

Population (2010 Census)

563,626

State Bucking Horse



State Flag



State Seal



Best place to be in 2022?

ACE Conference!

NSPE - Code of Ethics for Engineers

- [Code of Ethics | National Society of Professional Engineers \(nspe.org\)](#)
- [https://www.nspe.org/resources/ethics/code-ethics#:~:text=1%20Engineers%20shall%20hold%20paramount%20the%20safety%2C%20health%2C,...%205%20Engineers%20shall%20avoid%20deceptive%20acts.%20](#)



Code of Ethics for Engineers

Preamble

Engineering is an important and learned profession. As members of this profession, engineers are expected to exhibit the highest standards of honesty and integrity. Engineering has a direct and vital impact on the quality of life for all people. Accordingly, the services provided by engineers require honesty, impartiality, fairness, and equity, and must be dedicated to the protection of the public health, safety, and welfare. Engineers must perform under a standard of professional behavior that requires adherence to the highest principles of ethical conduct.

I. Fundamental Canons

Engineers, in the fulfillment of their professional duties, shall:

1. Hold paramount the safety, health, and welfare of the public.
2. Perform services only in areas of their competence.
3. Issue public statements only in an objective and truthful manner.
4. Act for each employer or client as faithful agents or trustees.
5. Avoid deceptive acts.
6. Conduct themselves honorably, responsibly, ethically, and lawfully so as to enhance the honor, reputation, and usefulness of the profession.

II. Rules of Practice

1. Engineers shall hold paramount the safety, health, and welfare of the public.

- a. If engineers' judgment is overruled under circumstances that endanger life or property, they shall notify their employer or client and such other authority as may be appropriate.
- b. Engineers shall approve only those engineering documents that are in conformity with applicable standards.
- c. Engineers shall not reveal facts, data, or information without the prior consent of the client or employer except as authorized or required by law or this Code.
- d. Engineers shall not permit the use of their name or associate in business ventures with any person or firm that they believe is engaged in fraudulent or dishonest enterprise.
- e. Engineers shall not aid or abet the unlawful practice of engineering by a person or firm.
- f. Engineers having knowledge of any alleged violation of this Code shall report thereon to appropriate professional bodies and, when relevant, also to public authorities, and cooperate with the proper authorities in furnishing such information or assistance as may be required.

2. Engineers shall perform services only in the areas of their competence.

- a. Engineers shall undertake assignments only when qualified by education or experience in the specific technical fields involved.
- b. Engineers shall not affix their signatures to any plans or documents dealing with subject matter in which

they lack competence, nor to any plan or document not prepared under their direction and control.

- c. Engineers may accept assignments and assume responsibility for coordination of an entire project and sign and seal the engineering documents for the entire project, provided that each technical segment is signed and sealed only by the qualified engineers who prepared the segment.

3. Engineers shall issue public statements only in an objective and truthful manner.

- a. Engineers shall be objective and truthful in professional reports, statements, or testimony. They shall include all relevant and pertinent information in such reports, statements, or testimony, which should bear the date indicating when it was current.
- b. Engineers may express publicly technical opinions that are founded upon knowledge of the facts and competence in the subject matter.
- c. Engineers shall issue no statements, criticisms, or arguments on technical matters that are inspired or paid for by interested parties, unless they have prefaced their comments by explicitly identifying the interested parties on whose behalf they are speaking, and by revealing the existence of any interest the engineers may have in the matters.

4. Engineers shall act for each employer or client as faithful agents or trustees.

- a. Engineers shall disclose all known or potential conflicts of interest that could influence or appear to influence their judgment or the quality of their services.
- b. Engineers shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.
- c. Engineers shall not solicit or accept financial or other valuable consideration, directly or indirectly, from outside agents in connection with the work for which they are responsible.
- d. Engineers in public service as members, advisors, or employees of a governmental or quasi-governmental body or department shall not participate in decisions with respect to services solicited or provided by them or their organizations in private or public engineering practice.
- e. Engineers shall not solicit or accept a contract from a governmental body on which a principal or officer of their organization serves as a member.

5. Engineers shall avoid deceptive acts.

- a. Engineers shall not falsify their qualifications or permit misrepresentation of their or their associates' qualifications. They shall not misrepresent or exaggerate their responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident

to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint venturers, or past accomplishments.

- b. Engineers shall not offer, give, solicit, or receive, either directly or indirectly, any contribution to influence the award of a contract by public authority, or which may be reasonably construed by the public as having the effect or intent of influencing the awarding of a contract. They shall not offer any gift or other valuable consideration in order to secure work. They shall not pay a commission, percentage, or brokerage fee in order to secure work, except to a bona fide employee or bona fide established commercial or marketing agencies retained by them.

III. Professional Obligations

1. Engineers shall be guided in all their relations by the highest standards of honesty and integrity.

- a. Engineers shall acknowledge their errors and shall not distort or alter the facts.
- b. Engineers shall advise their clients or employers when they believe a project will not be successful.
- c. Engineers shall not accept outside employment to the detriment of their regular work or interest. Before accepting any outside engineering employment, they will notify their employers.
- d. Engineers shall not attempt to attract an engineer from another employer by false or misleading pretenses.
- e. Engineers shall not promote their own interest at the expense of the dignity and integrity of the profession.
- f. Engineers shall treat all persons with dignity, respect, fairness, and without discrimination.

2. Engineers shall at all times strive to serve the public interest.

- a. Engineers are encouraged to participate in civic affairs; career guidance for youths; and work for the advancement of the safety, health, and well-being of their community.
- b. Engineers shall not complete, sign, or seal plans and/or specifications that are not in conformity with applicable engineering standards. If the client or employer insists on such unprofessional conduct, they shall notify the proper authorities and withdraw from further service on the project.
- c. Engineers are encouraged to extend public knowledge and appreciation of engineering and its achievements.
- d. Engineers are encouraged to adhere to the principles of sustainable development¹ in order to protect the environment for future generations.
- e. Engineers shall continue their professional development throughout their careers and should keep current in their specialty fields by engaging in professional practice, participating in continuing education courses, reading in the technical literature, and attending professional meetings and seminars.



3. Engineers shall avoid all conduct or practice that deceives the public.

- a. Engineers shall avoid the use of statements containing a material misrepresentation of fact or omitting a material fact.
- b. Consistent with the foregoing, engineers may advertise for recruitment of personnel.
- c. Consistent with the foregoing, engineers may prepare articles for the lay or technical press, but such articles shall not imply credit to the author for work performed by others.

4. Engineers shall not disclose, without consent, confidential information concerning the business affairs or technical processes of any present or former client or employer, or public body on which they serve.

- a. Engineers shall not, without the consent of all interested parties, promote or arrange for new employment or practice in connection with a specific project for which the engineer has gained particular and specialized knowledge.
- b. Engineers shall not, without the consent of all interested parties, participate in or represent an adversary interest in connection with a specific project or proceeding in which the engineer has gained particular specialized knowledge on behalf of a former client or employer.

5. Engineers shall not be influenced in their professional duties by conflicting interests.

- a. Engineers shall not accept financial or other considerations, including free engineering designs, from material or equipment suppliers for specifying their product.
- b. Engineers shall not accept commissions or allowances, directly or indirectly, from contractors or other parties dealing with clients or employers of the engineer in connection with work for which the engineer is responsible.

6. Engineers shall not attempt to obtain employment or advancement or professional engagements by untruthfully criticizing other engineers, or by other improper or questionable methods.

- a. Engineers shall not request, propose, or accept a commission on a contingent basis under circumstances in which their judgment may be compromised.
- b. Engineers in salaried positions shall accept part-time engineering work only to the extent consistent with policies of the employer and in accordance with ethical considerations.
- c. Engineers shall not, without consent, use equipment, supplies, laboratory, or office facilities of an employer to carry on outside private practice.

7. Engineers shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other engineers. Engineers who believe others are guilty of unethical or illegal practice shall present such information to the proper authority for action.

- a. Engineers in private practice shall not review the work of another engineer for the same client, except with the knowledge of such engineer, or unless the connection of such engineer with the work has been terminated.
- b. Engineers in governmental, industrial, or educational employ are entitled to review and evaluate the work of other engineers when so required by their employment duties.
- c. Engineers in sales or industrial employ are entitled to make engineering comparisons of represented products with products of other suppliers.

8. Engineers shall accept personal responsibility for their professional activities, provided, however, that engineers may seek indemnification for services arising out of their practice for other than gross negligence, where the engineer's interests cannot otherwise be protected.

- a. Engineers shall conform with state registration laws in the practice of engineering.
- b. Engineers shall not use association with a nonengineer, a corporation, or partnership as a "cloak" for unethical acts.

9. Engineers shall give credit for engineering work to those to whom credit is due, and will recognize the proprietary interests of others.

- a. Engineers shall, whenever possible, name the person or persons who may be individually responsible for designs, inventions, writings, or other accomplishments.
- b. Engineers using designs supplied by a client recognize that the designs remain the property of the client and may not be duplicated by the engineer for others without express permission.
- c. Engineers, before undertaking work for others in connection with which the engineer may make improvements, plans, designs, inventions, or other records that may justify copyrights or patents, should enter into a positive agreement regarding ownership.
- d. Engineers' designs, data, records, and notes referring exclusively to an employer's work are the employer's property. The employer should indemnify the engineer for use of the information for any purpose other than the original purpose.

Footnote 1 "Sustainable development" is the challenge of meeting human needs for natural resources, industrial products, energy, food, transportation, shelter, and effective waste management while conserving and protecting environmental quality and the natural resource base essential for future development.

"By order of the United States District Court for the District of Columbia, former Section 11(c) of the NSPE Code of Ethics prohibiting competitive bidding, and all policy statements, opinions, rulings or other guidelines interpreting its scope, have been rescinded as unlawfully interfering with the legal right of engineers, protected under the antitrust laws, to provide price information to prospective clients; accordingly, nothing contained in the NSPE Code of Ethics, policy statements, opinions, rulings or other guidelines prohibits the submission of price quotations or competitive bids for engineering services at any time or in any amount."

Statement by NSPE Executive Committee

In order to correct misunderstandings which have been indicated in some instances since the issuance of the Supreme Court decision and the entry of the Final Judgment, it is noted that in its decision of April 25, 1978, the Supreme Court of the United States declared: "The Sherman Act does not require competitive bidding."

It is further noted that as made clear in the Supreme Court decision:

1. Engineers and firms may individually refuse to bid for engineering services.
2. Clients are not required to seek bids for engineering services.
3. Federal, state, and local laws governing procedures to procure engineering services are not affected, and remain in full force and effect.
4. State societies and local chapters are free to actively and aggressively seek legislation for professional selection and negotiation procedures by public agencies.
5. State registration board rules of professional conduct, including rules prohibiting competitive bidding for engineering services, are not affected and remain in full force and effect. State registration boards with authority to adopt rules of professional conduct may adopt rules governing procedures to obtain engineering services.
6. As noted by the Supreme Court, "nothing in the judgment prevents NSPE and its members from attempting to influence governmental action . . ."

Note: In regard to the question of application of the Code to corporations vis-a-vis real persons, business form or type should not negate nor influence conformance of individuals to the Code. The Code deals with professional services, which services must be performed by real persons. Real persons in turn establish and implement policies within business structures. The Code is clearly written to apply to the Engineer, and it is incumbent on members of NSPE to endeavor to live up to its provisions. This applies to all pertinent sections of the Code.

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Wyoming's Ethic's Laws

<https://engineersandsurveyors.wyo.gov/>

Rules and Regulations

- Consist of 7 Chapters
- Outlines the process of obtaining/renewing licensure, disputes, and competency requirements.
- Chapter 5, Section 7. Rules of Professional Conduct
 - Includes 16 specific items related to professional conduct
 - Also adopts the NSPE Code of Ethics for Engineers (2019) and NSPS Surveyor's Creed and Cannons (1996-2012)

State Statutes

- Codified at Title 33, Chapter 29

STATE OF WYOMING

BOARD OF PROFESSIONAL ENGINEERS AND
PROFESSIONAL LAND SURVEYORS



RULES AND REGULATIONS

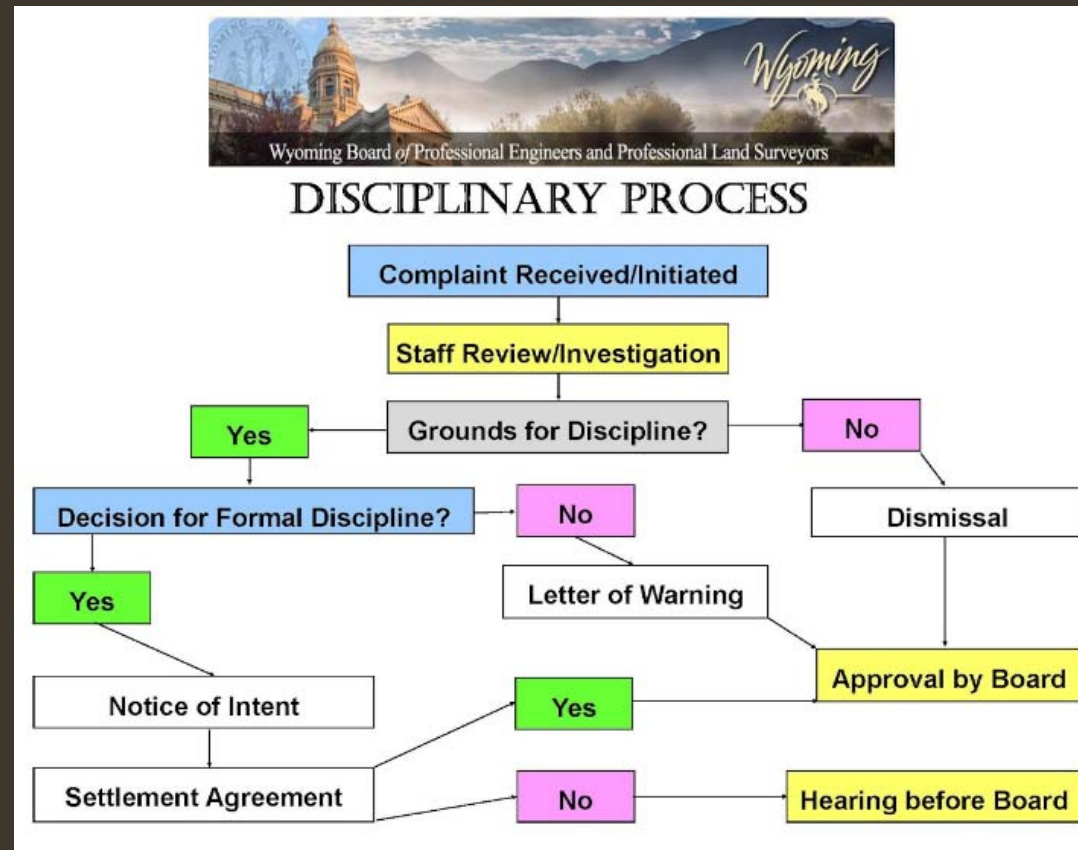
Revised September 3, 2021

&

STATE STATUTES

Title 33, Chapter 29
Effective Dates: July 1, 2013
& July 1, 2018

The Process in Wyoming



Wyoming's State Statutes

- Title 33 Professions and Occupations
- Chapter 1 – Licensing Generally (WY Articles 1 thru 3)
- Chapter 4 – Architects (WY Stat § 33-4-101 thru §33-4-117)
- Chapter 29 - Surveyors and Engineers (WY Stat § 33-29-101 thru §33-29-910)
^^ FOCUS HERE ^^
- Chapter 41 - Geologists (WY Stat § 33-41-101 thru §33-41-121)

Wyoming's State Statutes Cont.

- WY Stat § 33-29-201(a)– Definitions
 - (vii) “Practice of professional engineering” means performing for others or offering to perform for others any “professional service” or “professional creative work” requiring engineering education, training and experience and special knowledge of mathematics, physics and engineering sciences. An individual performs “a professional service” or “professional creative work” in the practice of professional engineering if he:
 - (A) Represents himself to be a professional engineer by sign, advertisement, letterhead, card, verbal claim or any other manner;
 - (B) Quotes a fee for a professional engineering service;
 - (C) Executes a contract or agreement for a professional engineering service;
 - (D) Teaches upper division engineering design subjects as a professional engineer at a college or university;
 - (E) Performs research investigations as a professional engineer;
 - (F) Testifies as an expert in professional engineering; or
 - (G) Holds himself out as able to perform or does perform, as a professional engineer, any similar service defined by board rule as the practice of professional engineering.

Wyoming's State Statutes Cont.

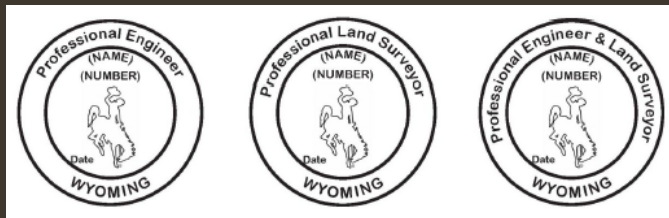
- WY Stat § 33-29-201(a)– Definitions Continued
 - (ix) “Professional engineer” means an individual who, by reason of intensive preparation in the use of mathematics, physics and engineering sciences including the principles and methods of engineering analysis and design, is qualified to practice professional engineering and is licensed under this act;
 - (xi) “Responsible charge” means the exercise of direct control or the personal supervision of engineering work by a professional engineer or surveying work by a professional land surveyor;
- WY Stat § 33-29-403 – Requirements for Professional Licensure
 - § 33-29-403 (a)(ii) - Requires passing score on principles and practice of engineering examination
 - § 33-29-403 (a)(iii)
 - (A) Has met the requirements for an engineer intern certificate and has four (4) years of engineering experience in increasing responsibility and scope of a grade and character that evidence the applicant is competent to practice as a professional engineer; or
 - (B) Has graduated from a curriculum approved by the board of at least four (4) years and has been **actively engaged in engineering practice of a character satisfactory to the board for at least ten (10) years after graduation.**

Wyoming's State Statutes Cont.

- WY Stat § 33-29-702 – Grounds for disciplinary action
 - (a) An individual or business entity is subject to disciplinary action for:
 - (i) A violation of this act, board rule, order or code of ethics;
 - (ii) Fraud or misrepresentation relating to the practice of engineering or land surveying, including in the submission of information to the board and signing of documents;
 - (iii) Allowing or assisting another to violate this act or a rule or order of the board;
 - (iv) Incompetence, habitual or gross negligence or other misconduct in the practice of engineering or land surveying;
 - (v) Habitual intoxication or addiction to the use of drugs or alcohol which affects the ability to practice engineering or land surveying;
 - (vi) Conviction of a felony that is related to the ability to practice engineering or land surveying;
 - (vii) Discipline or restriction of a license, intern certificate or business entity registration by another jurisdiction if the ground for the action was the same or substantially equivalent to a ground for discipline in this section.

Wyoming's Rules and Regulations

- Chapter 5 - Practice of Professional Engineering and Professional Land Surveying
 - Section 1 – Seals



- Section 7 – Rules of Professional Conduct
 - (a) All Licensees and Interns shall comply with the following standards, and failure to do so may result in discipline:
 - (i) A Licensee or Intern shall not submit any materially false statements or fail to disclose any material facts requested in connection with the application for license;
 - (ii) A Licensee or Intern shall not engage in fraud, deceit, misrepresentation, or concealment of material facts in advertising, soliciting or providing professional services to members of the public;
 - (iii) A Licensee or Intern shall not knowingly seal, sign and date any plans, drawings, blueprints, land surveys, reports, specifications or other documents not prepared or without thorough technical review by the Licensee or under the Licensee's direct supervision;

Wyoming's Rules and Regulations

- Section 7(a) Cont.
 - (iv) A Licensee or Intern shall not knowingly violate any federal or state statute concerning bribery;
 - (v) A Licensee or Intern shall comply with all federal, state, and local building, fire, safety, real estate, and mining codes, and any other laws, codes, ordinances, or regulations pertaining to the Licensee's professional practice. A Licensee shall not provide any professional services in violation of any such laws, codes, ordinances, or regulations;
 - (vi) A Licensee or Intern shall not violate any state or federal criminal statute involving fraud, misrepresentation, embezzlement, theft, forgery or breach of fiduciary duty, where the violation is related to his/her professional practice;
 - (vii) A Licensee shall apply the technical knowledge and skill which would be applied by other qualified Licensees who practice the same profession;
 - (viii) A Licensee shall not accept an assignment where the duty to a client or the public would conflict with the Licensee's personal interest or the interest of another client without full disclosure of all material facts of the potential conflict to each person who might be related to or affected by the project or engagement in question;
 - (ix) Licensees shall not accept compensation for services related to the same project or professional engagement from more than one private party without making full disclosure to all parties involved and obtaining the express written consent of all parties involved;
 - (x) Licensees who serve governmental or quasi-governmental organizations or departments, or are board members of any organization which receives government funds, as members, advisors, or employees shall recuse themselves from any conflict of interest decision and act in the best interest of that organization;
 - (xi) A Licensee shall not accept any professional engagement or assignment outside the Licensee's professional license unless: (a) the Licensee is qualified by education, technical knowledge or experience to perform such work and (b) such work is both necessary and incidental to the work of the Licensee's profession on that specific engagement or assignment;

Wyoming's Rules and Regulations

- Section 7(a) Cont.
 - (xii) Except as otherwise provided by law, code, ordinance, or regulation, a Licensee may act as the prime professional for a given project and select collaborating professionals; however, the Licensee shall perform only those professional services for which the Licensee is qualified and shall seal, sign and date only the work prepared by the Licensee or under the Licensee's direct supervision;
 - (xiii) A Licensee shall make full disclosure to all parties concerning: (a) any transaction involving payments to any person for the purpose of securing a contract, assignment, or engagement, except for actual and substantial technical assistance in preparing the proposal; or (b) any monetary, financial, or beneficial interest, the Licensee may hold in a contracting firm or other entity providing goods or services, other than the Licensee's professional services, to a project or engagement;
 - (xiv) A Licensee shall not solicit, receive, or accept compensation from material, equipment, or other product or service suppliers for specifying or endorsing their products, goods, or services to any client or other person without full written disclosure to all parties;
 - (xv) If a Licensee's professional judgment is overruled or not adhered to under circumstances where a serious threat to the public health, safety, or welfare results or would result, the Licensee shall immediately notify the client or employer. If the client or employer does not take appropriate remedial action within a reasonable amount of time under the circumstances, the Licensee shall also notify the Board of the specific nature of the public threat;
 - (xvi) If called upon or employed as an arbitrator to interpret contracts or to judge contract performance, or to perform any other arbitration duties, the Licensee shall render decisions impartially and without bias to any party.
- (b) In the event the referenced engineering code of ethics or surveying creed and canons conflict with the following standards, the standards in this section shall control.

Wyoming's Rules and Regulations

- (c) The Board has adopted and incorporated herein the National Society of Professional Engineers (NSPE) “Code of Ethics for Engineers” dated July 2019 and the National Society of Professional Surveyors (NSPS) “Surveyor’s Creed and Canons” copyright 1996-2012. All licensed professional engineers, engineer Interns, professional land surveyors, and surveyor Intern shall comply with the applicable code adopted by the Board.
- Chapter 6 – Procedure for Application, Licensure and Disciplinary Matters
 - Section 11 – Burden and Standard Proof
 - (a) Application Matters. Applicants shall bear the burden to prove by a preponderance of evidence that they meet the qualifications for licensure. The burden shall shift to the ARC or IC to prove by clear and convincing evidence that Applicants should be denied an unrestricted license. Applicants shall bear the burden to persuade the Board that the ARC or IC’s grounds for denial are insufficient.
 - (b) Licensure Matters. Licensees shall bear the burden to prove by a preponderance of evidence that the petition for modification should be granted.
 - (c) Discipline Matters. The IC shall bear the burden to prove by clear and convincing evidence that Licensees violated the Act or the Board Rules.
 - “ARC” means Application Review Committee.
 - “IC” means Investigative Committee that is comprised of one or more Board members or the Executive Director.

NSPE Code of Ethics for Engineers (2019)

- Publication #1102
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- I. Fundamental Canons
 - Engineers, in the fulfillment of their professional duties, shall:
 - 1. Hold paramount the **safety, health, and welfare** of the public.
 - 2. Perform services only in areas of **their competence**.
 - 3. Issue public statements only in an **objective and truthful** manner.
 - 4. Act for each employer or client as faithful agents or trustees.
 - 5. **Avoid deceptive acts**.
 - 6. Conduct themselves **honorably, responsibly, ethically, and lawfully** so as to enhance the honor, reputation, and usefulness of the profession.

NSPE Code of Ethics for Engineers (2019)

- II. Rules of Practice
 - 1. Engineers shall hold paramount the safety, health, and welfare of the public.
 - a. If engineers' judgment is overruled under circumstances that endanger life or property, **they shall notify** their employer or client and such other authority as may be appropriate.
 - Not reviewing b. thru f
 - 2. Engineers shall perform services only in the areas of their competence.
 - b. Engineers shall not affix their signatures to any plans or documents dealing with subject matter in which they **lack competence**, nor to any plan or document not prepared under their direction and control.
 - Not reviewing a. and c.
 - 3. Engineers shall issue public statements only in an objective and truthful manner.
 - a. Engineers shall be **objective and truthful** in professional reports, statements, or testimony. They shall include all relevant and pertinent information in such reports, statements, or testimony, which should **bear the date indicating when it was current**.
 - Not reviewing b. and c.

NSPE Code of Ethics for Engineers Cont.

- II. Rules of Practice Cont.
 - 4. Engineers shall act for each employer or client as faithful agents or trustees.
 - e. Engineers shall not solicit or accept a contract from a governmental body on which a principal or officer of their organization serves as a member.
 - Not reviewing a. thru d.
 - 5. Engineers shall avoid deceptive acts.
 - a. Engineers shall not falsify their qualifications or permit misrepresentation of their or their associates' qualifications. They shall not misrepresent or exaggerate their responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint venturers, or past accomplishments.
 - b. Engineers shall not offer, give, solicit, or receive, either directly or indirectly, any contribution to influence the award of a contract by public authority, or which may be reasonably construed by the public as having the effect or intent of influencing the awarding of a contract. They shall not offer any gift or other valuable consideration in order to secure work. They shall not pay a commission, percentage, or brokerage fee in order to secure work, except to a bona fide employee or bona fide established commercial or marketing agencies retained by them.
 - Reviewed all items under 5.

NSPE Code of Ethics for Engineers Cont.

- III. Professional Obligations
 - 1. Engineers shall be guided in all their relations by the highest standards of **honesty and integrity**.
 - a. Engineers shall **acknowledge their errors** and shall not distort or alter the facts.
 - f. Engineers shall treat all persons with **dignity, respect, fairness, and without discrimination**.
 - Not reviewing b. thru e.
 - 2. Engineers shall at all times strive to serve the public interest.
 - d. Engineers are **encouraged to adhere** to the principles of **sustainable development**¹ in order to protect the environment for future generations.
 - 1. “Sustainable development” is the challenge of meeting human needs for natural resources, industrial products, energy, food, transportation, shelter, and effective waste management while conserving and protecting environmental quality and the natural resource base essential for future development.
 - Not reviewing a. thru c., and e.
 - 3. Engineers shall avoid all conduct or practice that deceives the public.
 - a. Engineers shall **avoid the use** of statements containing a material misrepresentation of fact or omitting a material fact.
 - Not reviewing b. and c.

NSPE Code of Ethics for Engineers Cont.

- III. Professional Obligations Cont.
 - 4. Engineers shall not disclose, without consent, confidential information concerning the business affairs or technical processes of any present or former client or employer, or public body on which they serve.
 - Not reviewing a. and b.
 - 5. Engineers shall not be influenced in their professional duties by conflicting interests.
 - a. Engineers shall not accept financial or other considerations, **including free engineering designs**, from material or equipment suppliers for specifying their product.
 - Not reviewing b.
 - 6. Engineers shall not attempt to obtain employment or advancement or professional engagements by untruthfully criticizing other engineers, or by other improper or questionable methods.
 - c. Engineers shall not, **without consent**, use equipment, supplies, laboratory, or office facilities of an employer to carry on outside private practice.
 - Not reviewing a. and b.

NSPE Code of Ethics for Engineers Cont.

- III. Professional Obligations Cont.
 - 7. Engineers shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other engineers. Engineers who believe others are guilty of unethical or illegal practice shall present such information to the proper authority for action.
 - a. Engineers in private practice shall not review the work of another engineer for the same client, except with the knowledge of such engineer, or unless the connection of such engineer with the work has been terminated.
 - b. Engineers in governmental, industrial, or educational employ are entitled to review and evaluate the work of other engineers when so required by their employment duties.
 - Not reviewing c.

NSPE Code of Ethics for Engineers Cont.

- III. Professional Obligations Cont.
 - 8. Engineers shall **accept personal responsibility for their professional activities**, provided, however, that engineers may seek indemnification for services arising out of their practice for other than gross negligence, where the engineer's interests cannot otherwise be protected.
 - a. Engineers **shall conform** with state registration laws in the practice of engineering.
 - b. Engineers shall not use association with a nonengineer, a corporation, or partnership as a "cloak" for unethical acts.
 - 9. Engineers **shall give credit** for engineering work to those to whom credit is due, and will recognize the proprietary interests of others.
 - Not reviewing a. thru d.

American Council of Engineering Companies (ACEC)

Professional & Ethical Conduct Guidelines Fundamental Cannons

- Consulting engineers, in the fulfillment of their professional duties, shall:
 - Hold paramount the **safety, health and welfare** of the public in the performance of their professional duties.
 - Perform services only in **areas of their competence**.
 - Issue public statements only in an **objective and truthful manner**.
 - Act in professional matters for each client as faithful agents or trustees.
 - Avoid improper solicitation of professional assignments.

Association of Conservation Engineers (ACE)

Bylaws – Objectives of this Association

- c. To encourage and broaden the educational, social and economic interests of engineering practices.
- d. To promote the recognition of the importance of sound engineering practices in fish, wildlife and recreation development.
- e. To enable each member to utilize the experiences of other members.
- f. To generally take all such proper action that may be necessary to further the cause of fish, wildlife and recreational developments.

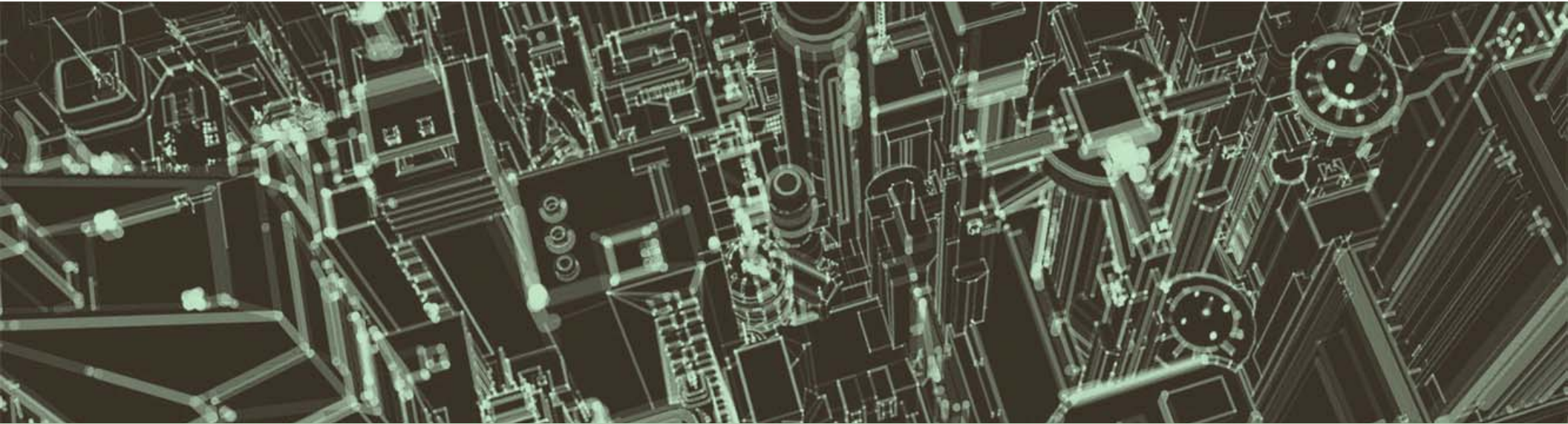
What do we Follow?

- Multiple laws and requirements
- Varies from state to state
- Varies by organization

What if They Conflict?

What if the Client wants to save money?





Ethical Dilemma

A Few Cases for Consideration



Wyoming Statistics

- 28 cases since 2006
 - 20 against PE's (engineer)
 - 6 against LS's (surveyor)
 - 1 against a dual PE/LS
 - 1 against a non-registered professional (denied application)
- Data prior to 2006 is not provided online

License Count Report

Date Accessed	Friday, 01 April 2022 08:00:48		
License Name	Individual Resident	Individual Non-Resident	Individual Total
Engineer Intern (EI)	1163	786	1949
Land Surveyor (LS)	116	171	287
Surveyor Intern (SI)	27	9	36
Professional Engineers (PE)	1147	6740	7887
Professional Engineers and Land Surveyor (PELS)	34	18	52
Grand Total	2487	7724	10211

Don't Drain on my Parade!

- Registered professional in good standing with the board.
- Retained to review plan compliance of a multiple homes in a new subdivision.
- This included grading and drainage patterns
- Not in compliance with Section Chapter 5, Section 1 - Rules of Professional Conduct



Don't Drain on my Parade!

- The Board found eight (8) instances of non-conformances
- Fined \$200.00
- No loss of licensure

4. The Board concludes that Respondent's conduct, as set forth in subparagraphs 2A-2H of the Findings of Fact, and subparagraphs 3A-3H of the Conclusions of Law, constitute separate and independent violations of the following regulatory provision:

Chapter 5, Section 1 – Rules of Professional Conduct

....

(c) All registrants shall comply with the following standards. In the event the attached code of ethics and the following standards conflict with one another, the standards in this section shall control.

....

(vii) A registrant shall apply the technical knowledge and skill which would be applied by other qualified registrants who practice the same profession.

....

Can Carbon Copies be Trusted?

- PE was found guilty of conspiracy and fraud in another state
 - Worked with the FBI to identify other people in the scheme (one was another PE)
- Served 42 months in federal prison
- Released with good behavior
- Wyoming PE license was revoked based on other state's board action.

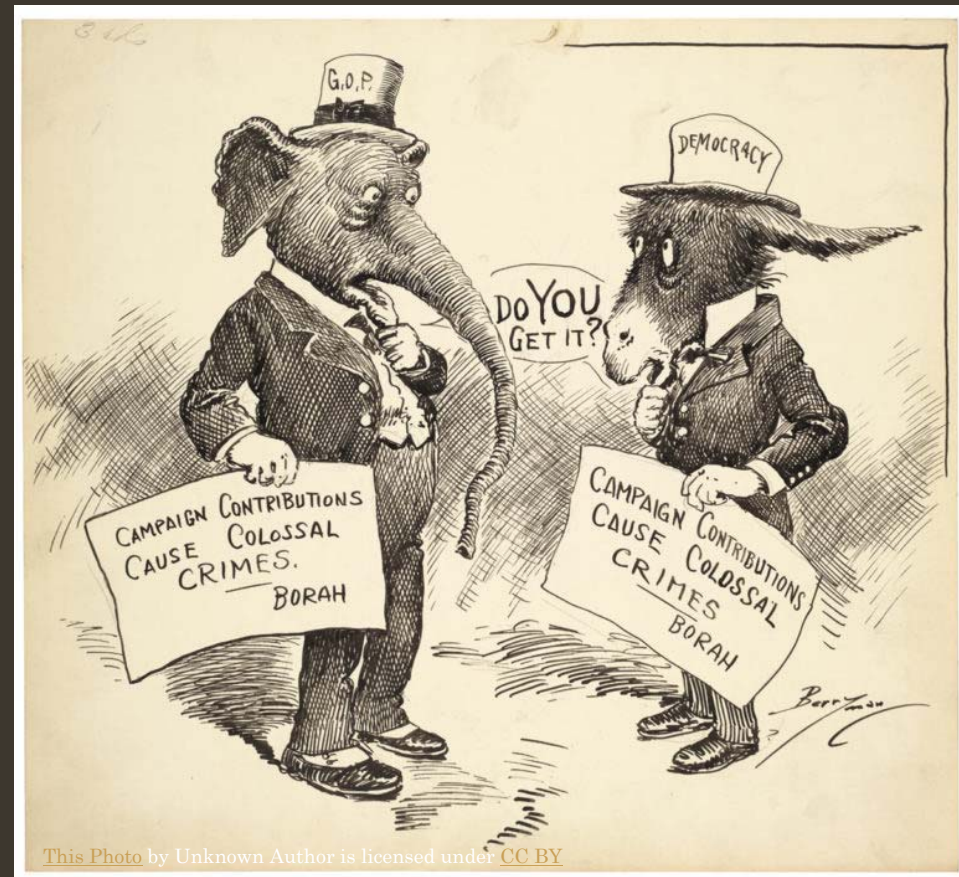


Can Carbon Copies be Trusted?

- Should the PE's license be revoked automatically based on other state board actions?
- Should the PE license be considered for re-instatement?
 - In this case the PE requested re-licensure and was denied based on the charges

The Limits of Campaign Contributions

- Article appears in the NSPE “Viewpoints” magazine publication and was the winning entry in the 2022 NSPE Milton F. Lunch Ethics Contest
- An engineer makes a personal campaign of \$2,500 to one of the County Commissioners that is up for re-election.
- The engineer and the firm they work for regularly does work for that County.
- All donations are made public per State requirements.
- A separate engineer with a competing firm files a complaint with the State PE Board stating the contribution is unethical.



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The Limits of Campaign Contributions

Conclusions

1. Engineer A's campaign contribution was ethical. However, it would be unethical if Engineer A and Company XYZ receive projects from County X following the donation due to Engineer A's contribution exceeding a nominal value.
2. Engineer B's complaint to the State PE Board was ethical.

NSPE Code References

Section II.5 – "Engineers shall avoid deceptive acts."

Section II.5.b – "Engineers shall not offer, give, solicit, or receive, either directly or indirectly, any contribution to influence the award of a contract by a public authority, or which may be reasonably construed by the public as having the effect or intent of influencing the awarding of a contract. They shall not offer any gift or other valuable consideration in order to secure work. They shall not pay a commission, percentage, or brokerage fee in order to secure work, except to a bona fide employee or bona fide established commercial or marketing agencies retained by them."

Section II.1.f – "Engineers having knowledge of any alleged violation of this Code shall report thereon to appropriate professional bodies and when relevant, also to public authorities, and cooperate with the proper authorities in furnishing such information or assistance as may be required."

Section III.6 – "Engineers shall not attempt to obtain employment or professional engagements by untruthfully criticizing other engineers, or by other improper or questionable methods."

Section III.7 – "Engineers shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other engineers. Engineers who believe others are guilty of unethical or illegal practices shall present such information to the proper authority for action."

- Have you ever made a contribution?
- Would you consider this unethical?
- What are the limits of ethical contributions?
- Should NSPE code of ethics be directly recognized by the State Board?

Thanks for Attending!

Questions?

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Comments?

(573) 522-4115 x3725

The name Wyoming is a contraction of the Native American word mecheweaming ("at the big plains"), and was first used by the Delaware people as a name for the Wyoming Valley in northeastern Pennsylvania. Wyoming is known as the Cowboy State and the Equality State. The latter recognizes Wyoming as the first state to specifically give women the right to vote, which it did as a territory in 1869 and retained upon entering the Union.

Reminder: Missouri Day is the third Wednesday in October each year