
ENGINEERING ETHICS

Presented By: Justin P. Weinberg
jweinberg@taftlaw.com

November 3, 2020

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- There are several ethical rules that must be followed.
 - Rules can be found in Minnesota's Administrative Rules, Chapter 1805. Every licensed engineer is imputed with knowledge of these rules.

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- In addition to these rules, every professional engineer is statutorily charged with the safeguarding of life, health, public welfare and property.

CONFLICT OF INTEREST

- Erin works as an associate engineer for Wolf's Pretty Decent Engineering.
- Unfortunately, Wolf's was suffering from a lack of work and was going to need to make layoffs.
- Erin is informed that her position is being eliminated due to the lack of work.

CONFLICT OF INTEREST

- Erin decides she wants to start her own firm.
- While still employed at Wolf, Erin starts notifying Wolf's clients that she is starting her own firm and would like to be considered for future work.
- She also tells the clients that she is a manager at Wolf; although, she is not.

CONFLICT OF INTEREST

- Work picks up at Wolf and Erin ends up working several months after the anticipated termination date.
- Wolf, trying to get more work, distributes a brochure listing Erin as one of Wolf's key employees.
- Erin is terminated, but the brochure is paying off and Wolf continues to use it.

CONFLICT OF INTEREST

- Ethical issues with what Erin did?

CONFLICT OF INTEREST

1805.0200 provides in relevant part:

- A licensee shall avoid any act which may diminish public confidence in the profession and shall, at all times, conduct himself or herself, in all relations with clients and the public, so as to maintain its reputation for professional integrity.

CONFLICT OF INTEREST

1805.0400 provides in relevant part:

- A licensee shall not misrepresent the extent of the licensee's responsibility in connection with any prior employment.

CONFLICT OF INTEREST

1805.0600 provides in relevant part:

- A licensee who has knowledge or reasonable grounds for believing that another member of the profession has violated any statute or rule regulating the practice of the profession shall have the duty of presenting such information to the board.

CONFLICT OF INTEREST

- Duty of loyalty or good faith?
- Questionable methods?
- Misrepresentation of Erin's responsibility?

CONFLICT OF INTEREST

- Any issues with Wolf?

CONFLICT OF INTEREST

1805.0400 provides in relevant part:

- A licensee shall not transmit, distribute, or publish or allow to be transmitted, distributed, or published, any false or misleading information regarding the licensee's own qualifications, training, or experience or that of his or her employer, employees, associates, or joint venturers.

CONFLICT OF INTEREST

- Lombardi County is seeking a design-build contractor to prequalify for a specialized engineered construction project.
- Viking Engineering possesses the expertise for this project.
- Three competing contractors, Bear, Lion and Packer, are each preparing to submit a proposal for the project.

CONFLICT OF INTEREST

- Viking knows it is the only qualified engineer for this project and has relationships with Lion, Bear and Packer.
- Viking would like to submit proposals with each one of them – knowing only one will be selected.
- Is it ethical for Viking to participate with each contractor in response to the County's RFP?

CONFLICT OF INTEREST

Rule 1805.0300 provides in relevant part:

- A licensee shall avoid accepting a commission where duty to the client or the public would conflict with the personal interest of the licensee or the interest of another client. Prior to accepting such employment the licensee shall disclose to a prospective client such facts as may give rise to a conflict of interest.

CONFLICT OF INTEREST

Rule 1805.0300 also provides:

- A licensee shall not accept compensation for services relating or pertaining to the same project from more than one party unless there is a unity of interest between or among the parties to the project and unless the licensee makes full disclosure and obtains the express consent of all parties from whom compensation will be received.

PUBLIC CONFIDENCE AND PERSONAL INTEGRITY

- Bobby is employed by Waterboy, which designs and manufactures equipment used in water testing.
- Bobby observed that certain new water quality testing equipment being designed by Waterboy met standards based on in-house testing, but failed testing performed by an outside lab.

PUBLIC CONFIDENCE AND PERSONAL INTEGRITY

- Bobby raises the concerns with his non-engineer supervisor – Red.
- Red says he will look into it.
- Several months pass and the equipment continues to fail to meet state water quality testing standards based on outside testing.

PUBLIC CONFIDENCE AND PERSONAL INTEGRITY

- Red asks Bobby to go with him to meet with a government regulator involved in the approval process for water testing equipment providers on public projects.
- Red asks Bobby to report that Waterboy's equipment is on track to meet the water testing equipment standards.

PUBLIC CONFIDENCE AND PERSONAL INTEGRITY

- What are Bobby's obligations?

PUBLIC CONFIDENCE AND PERSONAL INTEGRITY

- Every professional engineer is statutorily charged with the safeguarding of life, health, public welfare and property.

PUBLIC CONFIDENCE AND PERSONAL INTEGRITY

1805.0200 provides in relevant part:

- A licensee shall avoid any act which may diminish public confidence in the profession and shall, at all times, conduct himself or herself, in all relations with clients and the public, so as to maintain its reputation for professional integrity.

PUBLIC CONFIDENCE AND PERSONAL INTEGRITY

1805.0200 also provides:

- A licensee shall not engages in conduct involving dishonesty, fraud, deceit or misrepresentation; and,
- Shall not engage in conduct that adversely reflects on the licensee's fitness to practice the profession.

CONFLICT OF INTEREST – GIFTS

- Tucker is the owner of an engineering firm in Pleasantville.
- Tucker frequently performs the engineering services for the town and other local agencies overseen by the town council.
- Tucker is selected by a local agency to design a major public project in town.

CONFLICT OF INTEREST – GIFTS

- Following completion, Pleasantville's Engineer, Laura, who leads a panel that approves selection of engineering firms, asks Tucker and his firm to donate engineering services to design a playground for a non-profit.
- Laura sits on the non-profit's board.

CONFLICT OF INTEREST – GIFTS

- Laura also tells Tucker that design of the playground will keep Tucker in the good graces for future work.
- Tucker's obligations?
- Anything wrong with what Laura did?

CONFLICT OF INTEREST – GIFTS

1805.0300 provides in relevant part:

- A licensee shall not, directly or indirectly, solicit or accept any compensation, gratuity, or item of value from contractors, their agents, or other persons dealing with the client or employer in connection with the work for which the licensee has been retained without the knowledge and approval of the client or the employer.

FALSE STATEMENT AND NONDISCLOSURE

- Independent Engineering is contacted by Elephant Enterprises to perform services for a new project.
- Independent gives Elephant an estimate of the amount of time it would take to complete the project under a best case scenario.

FALSE STATEMENT AND NONDISCLOSURE

- At the time, Independent knew that a similar nearby project encountered unanticipated site conditions – the client was Donkey Development.
- Independent does not tell Elephant this because Independent knows Elephant despises Donkey and it also caused Independent to greatly exceed the original estimate.

FALSE STATEMENT AND NONDISCLOSURE

- Is it unethical for Independent to disclose to Elephant the unanticipated site conditions on Donkey's project?

KNOWLEDGE OF IMPROPER CONDUCT

- Don is employed as the County Engineer for the County of Draper.
- Roger is employed as the County Engineer for the County of Sterling.
- Draper and Sterling have a joint powers agreement wherein they share certain infrastructure improvements, including a performance center call Public Theater.

KNOWLEDGE OF IMPROPER CONDUCT

- Public Theater is in need a serious repairs and the County Boards task the Engineers with repairing the building.
- Don takes on the responsibility for the interior improvements.
- Roger takes on the responsibility for the exterior improvements.

KNOWLEDGE OF IMPROPER CONDUCT

- Don is missing numerous deadlines on the project.
- These deadlines are not only delaying the project, but they are also causing cost increases.
- This is not the first time Don has missed deadlines, as it is widely known he is not very responsible and a bit sloppy.

KNOWLEDGE OF IMPROPER CONDUCT

- Following a meeting, Roger has a beer with Don and Don lives up to his nickname, Old Wooden Leg.
- Don tells Roger of the “Mad Men Lunches” he frequently has and asks if Roger would like to join him. The lunches take place every Wednesday at Noon.

KNOWLEDGE OF IMPROPER CONDUCT

- Roger begins to wonder if Don has a problem with alcohol.
- Roger asks Don if he drinks while working, and he responds “no more than a few before 5:00.”
- Roger wonders if this is why Don is missing deadlines.

KNOWLEDGE OF IMPROPER CONDUCT

Rule 1805.0200 provides in part:

- A licensee shall avoid any act which may diminish public confidence in the profession and shall, at all times, conduct himself or herself, in all relations with clients and the public, so as to maintain its reputation for professional integrity.
- A licensee shall not engage in conduct that adversely reflects on the licensee's fitness to practice the profession.

KNOWLEDGE OF IMPROPER CONDUCT

Rule 1805.0600 provides in part:

- A licensee who has knowledge or reasonable grounds for believing that another member of the profession has violated any statute or rule regulating the practice of the profession shall have the duty of presenting such information to the board.

KNOWLEDGE OF IMPROPER CONDUCT

Catch-All:

- Engineers, in the fulfillment of their professional duties, shall hold paramount the safety, health and welfare of the public.

KNOWLEDGE OF IMPROPER CONDUCT

- Is Roger required to report Don for improper conduct?
- What conduct was improper?
- What steps should Roger take?

PUBLIC CONFIDENCE AND PERSONAL INTEGRITY

- Brady is named the new County Engineer for the County of Buccaneer.
- Brady previously worked as an engineer at a private firm.
- Brady is known as one of the “best engineers.”

PUBLIC CONFIDENCE AND PERSONAL INTEGRITY

- Shortly after taking the job, the State Board contacts Brady and tells him he is under investigation as a result of a complaint.
- The complaint came from a former client; alleging Brady is unfit to perform the services of a professional engineer.
- Brady did not believe it was necessary to notify the County of the pending complaint.

PUBLIC CONFIDENCE AND PERSONAL INTEGRITY

- A Buccaneer County Board member learns of the pending investigation.
- The County Board member springs it on Brady at the next public meeting.
- Brady denies the allegations and says it is the complaint of a “crazy former client.”
- The Board is upset that Brady did not inform them of the complaint.

PUBLIC CONFIDENCE AND PERSONAL INTEGRITY

Rule 1905.0200, Subpart 1 provides:

- A licensee shall avoid any act which may diminish public confidence in the profession and shall, at all times, conduct himself or herself, in all relations with clients and the public, so as to maintain its reputation for professional integrity.

PUBLIC CONFIDENCE AND PERSONAL INTEGRITY

Rule 1805.0200, Subpart 4 provides in part:

- A licensee shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

PUBLIC CONFIDENCE AND PERSONAL INTEGRITY

Did Brady violate any ethical rules?