PE—Reference to Expired License

Case No. 05-8

Facts:
Engineer A is a member of the engineering faculty at a private university in State A. Engineer A was licensed in State B but recently let his license lapse in State B. However, with Engineer A's knowledge and without Engineer A's objection, the university continues to include biographical information referring to Engineer A's PE license (e.g., "Engineer A is licensed in State B") on the university faculty directory Web site. Under the laws of State A and the policies of the university, Engineer A is not required to be licensed as a professional engineer to serve on the university engineering faculty.

Question:
Was it ethical for Engineer A to assent to the reference to Engineer A's expired PE license?

References:

Section II.3.	-	*NSPE Code of Ethics:*	*Engineers shall issue public statements only in an objective and truthful manner.*
Section II.5.a.	-	*NSPE Code of Ethics:*	*Engineers shall not falsify their qualifications nor permit misrepresentation of their or their associates' qualifications. They shall not misrepresent nor 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.*
Section III.1.	-	*NSPE Code of Ethics:*	*Engineers shall be guided in all their relations by the highest standards of honesty and integrity.*
Section III.3.a.	-	*NSPE Code of Ethics:*	*Engineers shall avoid the use of statements containing a material misrepresentation of fact or omitting a material fact.*
Section III.8.a.	-	*NSPE Code of Ethics:*	*Engineers shall conform with state registration laws in the practice of engineering.*

Discussion:
The appropriate use of the PE designation is among one of the most basic obligations professional engineers have when appropriately representing themselves and communicating their status to the public. Intentionally misrepresenting one's status as a licensed professional engineer is not only an ethical lapse, but also a violation of all state engineering licensure laws and regulations.

In the past, the NSPE Board of Ethical Review has examined issues relating to the appropriate use of the PE designation by licensed professional engineers. For example, in BER Case No. 97-8, Engineer A was a licensed as a professional engineer in State B, the state in which Engineer A resided. Engineer A was about to retire from his full-time employment with ENG Co. As part of this transition and since Engineer A would no longer be engaged in the practice of engineering under his state's law, Engineer A planned to discontinue his professional engineer license, which was paid for by his former employer. However, Engineer A planned to continue to serve on several local governmental boards. Because of Engineer A's association with and the pride he had for engineering, Engineer A wanted to continue to use the designation "P.E." after his name on his board business card and on the board's letterhead. Engineer A took pride in his longstanding status as a professional engineer and believed he would give professional engineering added recognition by including the reference on the letterhead, which included other individuals, such as attorneys and architects. State B did not have a provision in its law that addressed the issue of "inactive status." In deciding that it would be ethical for Engineer A to continue to use the designation "P.E." after his name as long as Engineer A indicated his inactive or retired status next to the

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PE designation and as long as this is done in compliance with the state engineering licensing laws and regulations, the Board noted that it was important that Engineer A's status be represented in a manner that is above reproach, particularly because of the very public nature of Engineer A's position on several local governmental boards. At a minimum, Engineer A should indicate his inactive or retired status next to the PE designation. To do otherwise, would, said the Board, create a misleading impression that Engineer A was currently licensed under state law in the jurisdiction in which he resides and potentially cause embarrassment to all professional engineers. Noted the Board, "(T)here is nothing demeaning or derogatory for an engineer to provide this straightforward and simple clarification in his status. To do so would clearly be consistent with the letter and the spirit of the law and avoid any possible questions or doubts about any actions, however unintentional, to mislead or deceive anyone concerning Engineer A's current status as an engineer."

Another example illuminating issues relative to the engineer's obligation to ensure proper credentials is BER Case No. 92-2. Here, Engineer A, an EIT employed by a medium-sized consulting engineering firm in a small city, had a degree in mechanical engineering and had performed services almost exclusively in the field of mechanical engineering. Engineer A learned that the firm had begun a marketing campaign and in its literature listed Engineer A as an electrical engineer. Engineer A alerted the marketing director, also an engineer, to the error in the promotional literature, and the marketing director indicated that the error would be corrected. However, after a period of six months, the error was not corrected.

While not finding any clear ethical lapse, the Board concluded that Engineer A should raise the issue of the error in marketing literature with a principal in the firm and should also note the appropriate requirements under the state board's rules of professional conduct in writing. While there was no indication that what had occurred was anything other than a negligent oversight, continued inaction by the firm in light of actual knowledge of the error could easily raise questions of improper and unethical conduct.

In reaching this conclusion, the Board acknowledged the realities of firm practice and the logistical problems involved in marketing and promotion, and in particular, the aspect of timing. The Board noted that it was important for firms to take actions to expeditiously correct any false impressions that might exist. In this regard, the Board indicated that engineering firms that use printed material as part of their marketing efforts should take reasonable steps to assure that such written material is as accurate and up-to-date as possible. In the case of marketing brochures and other similar materials, errata sheets, cover letters, strike-outs, and, if necessary, reprints should be employed within a reasonable period of time in order to correct inaccuracies, particularly where a firm has reason to believe that a misunderstanding might occur. Firms that fail to take such measures run the risk of breaching ethical behavior.

Turning to the facts in the present case, the Board believes that both BER Case Nos. 97-8 and 92-2 provide the Board with important guidance. Clearly, Engineer A should be guided by the requirements of the state engineering licensure laws of State A and State B. Presumably State A's laws prohibit individuals from misrepresenting their status as a professional engineer. As the facts indicate, Engineer A's license in the other state had lapsed, yet Engineer A was complicit in allowing his university employer to represent Engineer A as a professional engineer. In the Board's view, Engineer A's failure to request removal or at least clarification of the inaccurate information from the university Web site is inconsistent with Engineer A's ethical obligation to issue public statements in a truthful manner, be guided by the highest standards of honesty and integrity, and confirm with state engineering licensure requirements.

Although the facts do not explicitly address the timing aspect—that is, there is no reference to how long the inaccurate biographical information has persisted—the tenor of the case suggests that sufficient time has passed such that the error could have reasonably been corrected. This means that unlike BER Case No. 92-2, the present case is not one of negligence but of mild deception. It is also appropriate to observe that in today's information technology-rich business environment, the practical barriers to maintaining up-

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to-date biographical information on employees have become less burdensome. Given electronic communications, digital media, Web sites, and the like, little justification exists to delay correction of inaccurate biographical information as is described in this case.

Conclusion:
It was not ethical for Engineer A to assent to the reference to Engineer A's expired PE license.

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