Registration—Obtaining Professional References

Case No. 11-7

Facts:

Engineer A is a PE, currently registered in both State A and State B, and with retired status in State C. Engineer A has relocated to State D, and would like to register as a PE in State D. State D law requires the names of three professional engineers on the application as references to vouch for the professionalism of the applicant's work. Engineer A has had difficulty in finding valid references, since his PE associates are from many years ago; he can locate only one of them, who is retired and presently living in State E. Engineer A needs to find PEs who would be able to vouch for his professionalism. Engineer A would be willing to provide documentation and physical examples of his work in construction and his status in States A, B, and C, which are a matter of public record and can be viewed online.

Question :

What would be the appropriate course of conduct for Engineer A to pursue?

Reference:

Section II.3.a.	-	*NSPE Code of Ethics:*	*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.*
Section II.5.a.	-	*NSPE Code of Ethics:*	*Engineers shall not falsify their qualifications or permit representation of their or their associates' qualifications. They shall not misrepresent or exaggerate their responsibility in or for the subject matter of prior assignments.*
Section III.1.e.	-	*NSPE Code of Ethics:*	*Engineers shall not promote their own interest at the expense of the dignity and integrity of their profession.*
Section III.8.a.	-	*NSPE Code of Ethics:*	*Engineers shall conform with state registration laws in the practice of engineering.*

Discussion:

Compliance with professional engineering licensing laws is a fundamental ethical requirement in the practice of engineering. Professional engineers must be knowledgeable of the jurisdictional (e.g., states, territories, provinces) engineering licensure requirements in those jurisdictions in which they are licensed. They must likewise become knowledgeable and familiar with the laws and regulations in those jurisdictions in which they are contemplating becoming licensed to practice. Violations of jurisdictional engineering licensure requirements, however technical, can cause serious harm to one's professional reputation.

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The NSPE Board of Ethical Review has considered earlier cases relating to engineering licensure requirements. For example in BER Case No. 99-12, Engineer A was a licensed professional engineer and a principal in a large-sized engineering firm. Engineer B was a graduate engineer who worked in industry and had also worked as a student in Engineer A's firm during a summer. Although Engineer B was employed in Engineer A's firm, Engineer A did not have direct knowledge of Engineer B's work. Engineer B was applying for licensure as a professional engineer and requested that Engineer A provide him with a letter of reference testifying as to Engineer B's engineering experience and that the engineer (Engineer A) was in direct charge of Engineer B. Engineer B was under the assumption that Engineer A had personal knowledge of Engineer B's work. Engineer A inquired about Engineer B's experience from someone who had direct knowledge of Engineer B's experience. Based on the inquiry, Engineer A provided the letter of reference explaining the professional relationship between Engineer A and Engineer B. In deciding that it was ethical for Engineer A to provide the letter of reference for Engineer B testifying as to Engineer B's engineering experience, the Board noted that it could certainly understand the desire of Engineer A to assist another engineer in enhancing career opportunities and becoming licensed as a professional engineer. Obviously such assistance should not come under misleading or deceptive circumstances. The Board noted that engineers have an ethical obligation to be honest and objective in their professional reports, and such reports include written assessments of the qualifications and abilities of engineers and others under their direct supervision. The Board also noted that engineers who are not in a position to offer an evaluation of the qualifications and abilities of other individuals should not provide such evaluations or prepare reports that imply that they are providing such evaluations. Claiming to be in responsible charge of another engineer without actually having direct control or personal supervision over that engineer is inconsistent with the letter and the spirit of the NSPE Code of Ethics for Engineers.

In the present case, the Board believes the cautionary language in BER Case No. 99-12 is instructive to the Board's consideration of the present case. While it is clear that Engineer A is attempting to follow the spirit of the State D's engineering licensure requirements, it is also critically important that Engineer A follow the letter of the engineering licensure requirements which clearly require three professional engineering references. While there may be some flexibility in the definition of a professional reference, the traditional definition relates to employers, clients, or parties who have a substantive familiarity and understanding of the licensure candidate's knowledge, experience, reputation, and related qualities. Whether such attributes can be determined through a somewhat casual contact as Engineer A has proposed without more in-depth knowledge is somewhat questionable.

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Conclusion:

Engineer A should contact the state engineering licensure board in State D to determine whether his proposed method for obtaining the necessary references would be deemed acceptable.

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Each opinion is intended as guidance to individual practicing engineers, students, and the public. In regard to the question of application of the NSPE Code to engineering organizations (e.g., corporations, partnerships, sole proprietorships, government agencies, and university engineering departments), the specific business form or type should not negate nor detract from the conformance of individuals to the NSPE Code. The NSPE Code deals with professional services, which must be performed by real persons. Real persons in turn establish and implement policies within business structures.

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