# Advertising—Non-Inclusion of State Licenses in E-Mail Signature—Providing Engineering Advice on Social Media

## Case No. 17-5

### Facts:

Engineer A is licensed in States X, Y, and Z. Engineer A includes an e-mail signature in his business e-mail that does not indicate in which state(s) he is licensed. Engineer A also participates on social media and sometimes provides engineering information, observations, and advice to engineering colleagues and members of the public.

### Questions:

1. Is it ethical for Engineer A to not include the states in which he is licensed in his signature block?

2. Is it ethical for Engineer A to offer engineering information, observations, and advice to engineering colleagues and members of the public?

### NSPE Code of Ethics References:

*Section II.1.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.*

*Section II.3.* - *Engineers shall issue public statements only in an objective and truthful manner.*

*Section II.3.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.*

*Section II.3.b.* - *Engineers may express publicly technical opinions that are founded upon knowledge of the facts and competence in the subject matter.*

*Section II.3.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.*

*Section III.2.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.*

*Section III.2.c.* - *Engineers are encouraged to extend public knowledge and appreciation of engineering and its achievements.*

*Section III.3.a.* - *Engineers shall avoid the use of statements containing a material misrepresentation of fact or omitting a material fact.*

*Section III.8.a.* - *Engineers shall conform with state registration laws in the practice of engineering.*

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*Section III.9.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.*

**NSPE BER Case References:** 04-4, 04-11,16-6

**Discussion:**

Since the enactment of state engineering licensure laws and regulations, the ways and means by which professional engineers communicate with one another has changed dramatically. Professional engineering communications have moved increasingly from a paper-based medium to electronic media. Drawings, plans, specifications, reports, documents, and other material are freely exchanged over the internet; as e-mail attachments; and via intranets, plan rooms, applications, web-based software products, and various other web-based media. This new web-based media has also introduced new methods of sales, marketing, customer service and delivery, and other techniques that have created a number of opportunities and challenges for professional engineers, engineering licensure regulators, and the public.

In the past, the NSPE Board of Ethical Review has examined a variety of cases that have raised some of these issues. For example, in BER Case 04-4, Engineer A, a professional engineer licensed in four states, established a website, www.engineerseals.com, that indicated that Engineer A's company would seal professional engineering drawings for a standard prescribed fee per page. The information on the website stated the following:

> "Get your project approved! Engineerseals.com provides a convenient, cost-effective way for you to obtain sealed documents from a registered engineer to meet your local or state requirements. The online questionnaires and confirmation processes help us determine the specific services you need. We will provide direct engineering supervision, and depending on your project, we will
>
> - Review and modify your plans, shop drawings, specifications, and calculations;
> - Generate the necessary drawings, plans, specifications, and reports;
> - Perform engineering investigation, evaluation, and consultation; or
> - Perform site visits.
>
> Upon receipt of your information, we will contact you directly. Your responses help us to simplify the review process and ultimately help us customize the services to meet your needs. The next time you need plans reviewed for building construction codes and permit approvals, visit engineerseals.com. We'll help you get your remodeling, renovation, and new building projects from draft to development efficiently and professionally. The process is easy."

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The BER determined that Engineer A's actions were unethical because they were in violation of the NSPE Code of Ethics provisions relating to "responsible charge," state licensure laws, and Board rules of professional conduct. The proposed services constituted "plan stamping" in many states, since Engineer A was not exercising "responsible charge" over the engineering work he was proposing to sign and seal. Importantly, the BER also noted that nothing in its opinion was intended to limit new and innovative practice techniques, including the use of the internet, websites, or electronic practice.

Later in BER 04-11, the Board considered four fact situations involving the distribution of business cards with varying degrees of information regarding an engineer's in-state licensure status and business address, and different card distribution techniques. In analyzing these four fact situations, the BER noted that:

"This Board believes that contemporary questions about the ethics of advertising can be addressed relative to two primary considerations identified in the NSPE Code of Ethics. First, a fundamental principle is that such advertising must be conducted in a manner that is truthful and not misleading or deceptive. Second, such activities must conform to state registration laws and rules of practice. In both cases, the engineer's obligation is not just to satisfy the letter but also the spirit of the Code, consistent with upholding the dignity and integrity of the profession."

More recently, in BER Case 16-6, Engineer A was a professional engineer licensed in State X and was a sole practitioner with no employees. Engineer A's professional business card listed his name, company name, e-mail address, phone number, and website, but did not list any geographic address or the state(s) in which he was licensed. Engineer A distributed his professional business card to a potential client in State X. The BER decided it was ethical for Engineer A to not include a geographic address or the state(s) in which he was licensed on his business card, noting that while there may be merit in providing a physical address on a business card, it is not the NSPE Board of Ethical Review's role to dictate or prescribe what should or should not be on a professional engineer's business card, unless the information included on or omitted from the card is clearly intended or has the effect of being misleading or deceptive.

The BER continued by noting that in today's flexible and sometimes virtual work environment, where individuals and companies are not bound by geographic limitations, it is understandable why some engineering practitioners may wish to omit "brick and mortar" location information, with no intention of being misleading or deceptive. The Board would also observe that a "brick and mortar" location in a state may in fact be nothing more than a shell location, which would be misleading and deceptive.

It was the Board's view in BER 16-6 that as long as the professional engineer is following all legal requirements and offering professional engineering services solely in those state(s) in which the individual is licensed (which, under the facts, is the case here), there should not be an ethical concern.

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As with BER Case 16-6, it is the BER's view that unless there is some legal proscription that requires an individual to include on a business card one's mailing address or the state in which the individual is licensed, or there is some other requirement of a physical office in the state, it is ethical for Engineer A to not include a geographic address or the state(s) in which he is licensed on his business card.

Turning to the second issue, the NSPE Code of Ethics encourages professional engineers to further public health, safety, and welfare and to extend knowledge and appreciation of engineering. When doing so, engineers must use all reasonable efforts to be accurate and complete, limit such efforts to area(s) in which they possess competence, and conform with state engineering licensing requirements. In providing opinions or advice on social media, the engineer must endeavor to not reveal any information that may be sensitive without the consent of client/employer, and must be truthful and professional in posting on social media in accordance with the Code of Ethics.

Today there are a multitude of online forums, communities, social media, and other channels for professional engineers to share their engineering expertise both with engineering colleagues and with members of the public. In participating in these forums, engineers have a professional obligation to use prudence and good judgment and to consider their participation an extension of their own professional activities—being mindful that the sometimes apparent informality of social media does not excuse professional engineers from acting with care and discretion in offering engineering observations and opinions.

**Conclusions:**

1. It is ethical for Engineer A to not include the states in which he is licensed in his signature block.

2. It is ethical for Engineer A to offer engineering information, observations, and advice to other engineering colleagues and other members of the public.

**Board of Ethical Review:**
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