Report on a Case by the Board of Ethical Review

Case No. 60-6

Subject:
Practice in Other Than Major Field - Section 4, Canons of Ethics; Section 23, Canons of Ethics; Rule 27, Rules of Professional Conduct; Rule 45, Rules of Professional Conduct.

Facts:
Engineer "A" has a degree in mechanical engineering and is registered as a professional engineer under the state engineering .registration law. He has had 15 years of experience in mechanical engineering work, including 714 years of mechanical and electrical design of all types of buildings. He has designed the electrical systems for several buildings.

Engineer "B," holder of a degree in electrical engineering and registered as a professional engineer under the state law, filed a complaint with the state professional engineering society, alleging that Engineer "A" had acted unethically in designing electrical systems in view of his education and registration based on his proficiency as a mechanical engineer. The complaint does not question the competency of Engineer "A," nor were any plans submitted by Engineer "B" to sustain a charge of lack of quality of the design work of Engineer "A," even though such plans were requested by the state society.

Questions:
1. Is Engineer "A" unethical in practicing electrical engineering when his major field was mechanical engineering?

2. Is Engineer "A" unethical in practicing any branch of engineering other than his major field, provided he is competent to do so?

3. Is Engineer "B" required to show by exhibits that Engineer "A" is incompetent?

References:
Canons of Ethics-Section 4,- "He will have due regard for the safety of life and health of public and employees who may be affected by the work for which he is responsible."

Section 23-"He will not directly or indirectly injure the professional reputation, prospects or practice of another engineer. However, if he considers that an engineer is guilty of unethical, illegal or unfair practice, he will present the information to the proper authority for action."

Rules of Professional Conduct -Rule 27-"He will not undertake responsible engineering work for which he is not qualified by experience and training."

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Rule 45-"He will report unethical practices of another engineer with substantiating data to his professional or technical society, and be willing to appear as a witness."

Discussion:
The Canons and Rules are clear that an engineer has a right and duty to bring charges of unethical conduct when he believes that a fellow engineer has acted improperly. But merely bringing charges is not a full discharge of his responsibility. He must, under Rule 45, present substantiating data, which he failed to do in this case, or, at least, explain why he cannot present such substantiating data and indicate to the best of his knowledge how and where the full facts may be obtained.

Rule 27 leaves no doubt of both its negative and positive admonition. Negatively, it prohibits responsible practice by one not qualified for the work at hand. Positively, it therefore must be read to permit any engineering work for which the individual is qualified. Whether or not an engineer is qualified for particular work is a question which can be determined only on the basis of demonstrated technical knowledge as shown by experience and training. While the type of technical education in an engineering school is a material factor in this evaluation, it is not controlling or all-inclusive.

It is known and accepted fact that one's training and experience continues throughout a professional career and it would be folly to assume that an engineer could never become qualified beyond those subjects which he studied in college. It is beyond doubt that a large number of engineers (perhaps even a majority) move into new or related fields of professional endeavor as they gain experience after their college studies.

The trend in engineering registration is to issue a license as a "professional engineer" without designation of branch, although the applicant may be examined in a particular branch. Whether this trend is a wise or proper one is outside of our jurisdiction. It does emphasize, however, insofar as the public is concerned, the importance of adhering to Section 4 of the Canons and Rule 27. The profession must be alert to possible violations of these two injunctions and be ready to take prompt and effective disciplinary action for any breaches. This cannot be accomplished without complete and detailed information as to alleged violations. The analysis of the disciplinary body must rest upon the technical competence and ethical conduct of the engineer as shown by the evidence of his work.

Conclusions:
Q.1-Engineer "A" did not act unethically per se in practicing electrical engineering if he was technically qualified to perform such services.

Q.2-Engineer "A" may practice any type of engineering in which he is competent. Q.3-Engineer "B" is required to present exhibits or such other evidence as he may have to substantiate his charges.

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