

Report on a Case by the Board of Ethical Review

Names of Engineers on Letterheads

Case No. 62-11

Subject:

Names of Engineers on Letterheads—Canons of Ethics—Canon 19

Facts:

Situation A—The consulting engineering firm of Smith, Jones and Thompson, a partnership, is well known and highly respected in the area of its operations. Thompson dies, and under the terms of the articles of partnership Smith and Jones are entitled to all of the rights and benefits held by Thompson upon payment of the value of Thompson's interest to his widow. These arrangements are concluded and the firm wishes to continue its practice under the original name.

Situation B—John Doe, a registered engineer, operates a sole proprietorship consulting firm, but has available to him as consultants a registered electrical engineer and registered mechanical engineer who perform assignments from time to time and are paid under special per diem or other arrangements. They do not share in the profits or losses of the firm. Doe carries on his letterhead "John Doe, Consulting Engineer." He wishes to list the names of the electrical and mechanical engineers as well as his own name.

Questions:

Situation A

Q 1—Is it ethical to continue to include the name of a deceased former partner in the firm name?

Q 2—Is it ethically required to list the name of a former partner who is deceased?

Q 3—Is it ethically required to list the names of partners or owners of the firm?

Situation B

Q—May the names of engineers who are regularly retained as consultants be listed on a firm's letterhead?

References:

Canons of Ethics

Canon 19—"The engineer will endeavor to protect the engineering profession collectively and individually from misrepresentation and misunderstanding."

Discussion:

Under the language of Canon 19 the principle to be followed is that the name of the firm shall be such as not to mislead the public or cause misunderstanding as to the ownership or professional responsibility of the individuals whose names are employed in the firm name.

Under the facts stated in Situation A, it is apparent that the firm name of "Smith, Jones and Thompson" has acquired a significance and value which would be lost, at least in part, if it were necessary to change the name. We think that such a change in name is not necessary to comply with the Canons. The firm name may be continued without any listing of partners or owners in the margin of the letterhead. Neither is it required that the names of former partners who are deceased be listed in the margin, but if a firm desires to list such names it may do so only if it is indicated clearly that such named persons are deceased. This may be accomplished in the following manner:

SMITH, JONES AND THOMPSON
Consulting Engineers
123 Main Street, Anywhere, N.Y.
Arthur Z. Smith, P.E.
Osward B. Jones, P.E.
Ernest Q. Thompson (1910-1963)

The name proposed in Situation B is acceptable under the same principles, inasmuch as only the name of the proprietor is used in the firm name. It is also permissible to list the names of regularly retained consultants on the letterhead, but this should be done in such manner as to indicate that the consultants are not partners and do not assume the responsibility of partners. This may be accomplished in the following manner:

JOHN DOE
Consulting Engineer
465 Broad St., Somewhere, Okla.
John Doe, P.E.

Consultants
James Osgood, P.E.
Michael Sprockton, P.E.

Conclusions:

Situation A

Q 1—It is ethical to include the name of a deceased former partner in a firm name.

Q 2—It is not ethically required to list the name of a former partner who is deceased, but it is permissible provided it is indicated clearly that such person is deceased.

Q 3—It is not ethically required to list the names of partners or owners of a firm.

Situation B

The names of engineers who are regularly retained as consultants may be listed on a firm's letterhead, provided it is made clear that the consultants are not partners or owners but function for the firm as consultants.

Board of Ethical Review

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