Report on a Case by the Board of Ethical Review

Case No. 62-20

Review of Engineering Drawings

Facts:
An architect employed Engineer A to prepare a design for a heating and cooling system for a building. Engineer A, who deliberately did not sign, seal, or otherwise identify these plans, was paid in full for his services.

The architect, looking for a more economical system, asked the mechanical subcontractor on the project to submit a design for the same job but did not give the mechanical subcontractor Engineer A's design. The mechanical subcontractor retained Engineer B, who prepared a design which he signed and sealed. Engineer B considered these plans as the original design as well as shop drawings.

The architect submitted the designs of both A and B to the owner. The owner then retained Engineer C to review both designs and recommend a choice between the architect's original design (Engineer A) and the design submitted by the mechanical subcontractor (Engineer B). Engineer C first requested clearance from the architect but the architect did not wish to reveal the name of his engineer (A). Engineer C considered the mechanical subcontractor's submission as shop drawings and he criticized them for not meeting the requirements of the original design.

Engineer B charged Engineer C with an unethical action in that he reviewed Engineer B's work without Engineer B's prior knowledge.

Questions:
Question 1: Is it unethical for an engineer to deliberately submit final designs, without his signature, seal, or other identification?

Question 2: Is it unethical for an engineer to review the work of another engineer under these circumstances?

References:
Rules of Professional Conduct-Rule 46-"He will not review the work of another engineer for the same client, except with the knowledge or consent of such engineer, or unless the connection of such engineer with the work has been terminated."

Rule 54-"He will conform with registration laws in his practice of engineering."

Discussion:

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The procedure followed in this case was most unfortunate and is illustrative of problems which may be created by action of the parties on a project in operating outside of normal practices.

Engineer A was clearly derelict under Rule 54 in not applying his seal and signature to his final design as required by the engineering registration law.

With regard to Engineer C's review, it is clear that he could not be held responsible for not contacting Engineer A as the architect declined to reveal his name.

Rule 46 limits review of another engineer's work only if the work is for the same client. Although Engineer B was retained by the mechanical subcontractor, he was in fact serving the interest of the owner as to the result desired. Therefore, we consider that Engineers B and C had the same client.

If the drawings submitted by the mechanical subcontractor were only shop drawings, Engineer C would not be obligated to notify Engineer B of his review. Shop drawings by whomever prepared are always subject to review by the engineer having prime responsibility without notification to anyone. However, it is clear that Engineer C was retained directly by the owner to review both designs and recommend a choice. Under these circumstances, the plans submitted by the mechanical subcontractor must be considered as an original design. The review of design drawings requires notification under the Rules.

Conclusions:

Question 1: It is unethical for an engineer to deliberately submit final designs without his signature, seal, or other identification.

Question 2: The engineer acted unethically in not notifying the other engineer that he was reviewing his engineering work.

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