Report on a Case by the Board of Ethical Review

Case No. 65-11

Subject: Identification of Society Affiliation in Commercial Promotion
Section 3(d)-Code of Ethics

Facts:
An engineer employed by a housing development company sent a form letter to construction companies which had bid for the construction of an industrial project, stating in substance that the successful bidder might want to bring to the attention of his employees the availability of rental apartments in the area during the period of construction, which are owned by the employer of the engineer, and enclosing literature on location, floor plans, and price schedules. The engineer's signature on the letter was followed by a line, "Member, …….. Society of Professional Engineers." Neither the engineer nor his employer was involved in the design or administration of the project.

Question:
Is it ethical for an engineer to use his affiliation with a state professional engineering society in a letter promoting the commercial interests of his employer?

Reference:
Code of Ethics-Section 3 (d) "He will not use his professional affiliations or public office to secure personal advantage and will avoid any act tending to promote his own interest at the expense of the dignity and standing of the profession."

Discussion
In Case 64-12 we held that it was ethical for an engineer to show his membership in NSPE in connection with an advertisement for engineering services, noting that ". . . the purpose of showing the professional affiliations of the engineers is to convey the general idea that the engineers are reputable members of the profession by virtue of their membership in recognized professional engineering societies. . ."

Further, we said that even if such motives be selfish: "we do not think the bar to the use of professional affiliations for personal advantage extends to mere statements of fact of such membership . . . practice of showing such affiliations is an affirmative factor in demonstrating to the public that engineers have organizations on a professional basis."

That opinion further commented to the effect that Section 3 (d) is intended to prevent the conversion of the fact of professional society membership "into an implication that such membership gives the engineer a particular or special opportunity to provide services which are not available from other engineers."

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The decision in Case 64-12 was limited to circumstances involving the offer of engineering services. Here we are confronted with the use of society affiliation for non-engineering purposes of a purely commercial and nonprofessional nature.

Section 3 (d) does not impose any limitation on the use of professional affiliations except that such use must not be at the expense of the dignity and standing of the profession. This condition applies to any use of professional affiliations, be they for engineering activities or other activities of an engineer. We believe that the Code applies to engineers at all times and without regard to whether an activity by an engineer is within the practice of engineering or for purely commercial interests.

The letter sent by the engineer in this case is dignified and circumspect in wording and format. Therefore, those receiving the letter would have no cause to relate the statement of the engineer's society membership to unprofessional or improper conduct. The dignity and standing of the profession have therefore not been injured by this use of society affiliation.

Conclusion:
It is ethical for an engineer to use his affiliation with a state professional engineering society in a letter promoting the commercial interest of his employer, provided that the letter is dignified and circumspect.

Board of Ethical Review: T. C. COOKE, P.E. JAMES HALLETT, P.E. W. S. NELSON, P.E. N. O. SAULTER, P.E. K. F. WENDT, P.E. A. C. KIRKWOOD, P.E., Chairman

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