Report on a Case by the Board of Ethical Review

Case No. 65-16

Subject: Seal of Engineer on Plans
Section 13(a)-Code of Ethics; Section 14 -Code of Ethics

Facts:
Ajax Gear Works, Incorporated, retains Engineer "A" to design a manufacturing plant, including professional inspection services. The project is completed and Engineer "A" is paid for his work. Subsequently, Ajax desires to expand its facilities and retains Engineer "B" and turns over to him a set of plans provided by Engineer "A" for the original work. Engineer "B" proposes to use the plans of Engineer "A" for the expansion work by adding his revisions to them, thus saving the client the cost of duplicate tracing.

Questions:
1. Is it ethical for Engineer "B" to delete the seal of Engineer "A" on the original plans and substitute his seal?

2. Is it ethical for Engineer "B" to add his seal to that of Engineer "A" on the original plans to indicate his revisions?

References:
Code of Ethics-Section 13 (a) - "He will conform with registration laws in his practice of engineering."

Section 14-"The Engineer will give credit for engineering work to those to whom credit is due, and will recognize the proprietary interests of others."

Discussion:
The state engineering registration laws generally provide that a registered engineer is required to affix his seal to final drawings and other engineering documents prepared by him. The purpose of this requirement is to notify the client and the public of the identity of the engineer who assumes responsibility for the sufficiency of the design in the interest of protecting the public health and safety. Deletion of the seal of the engineer who prepared the original drawings would be in direct conflict with this purpose and would tend to create confusion and doubt as to the identification of the engineer who assumed the responsibility for the original plans. It would be improper under any conceivable circumstances for an engineer to delete the seal of the engineer who prepared the drawings.

We see no valid objection to Engineer "B" adding his seal on the original plans, provided that the document on its face indicates clearly the portion which was added by him as distinguished from the portion which was contained in the original design. If such clear delineation is not feasible, Engineer "B" should prepare separate drawings, making

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reference to the original drawings of Engineer "A" as may be required. In all events the respective portions must be clearly established so that appropriate responsibility may be assigned.

Additionally, it may be noted that Section 14 requires that no action be taken which may have the effect of depriving another engineer of credit for his work. The usual rule in private engineering contracts is that the engineer retains ownership of his plans and other documents; sometimes provision is made that the Owner may obtain a set of reproducible record prints, but may use them only in connection with the original project and not for the purpose of subsequent extensions or enlargements without the consent of the engineer who prepared them. Consequently, if the contract so provided Engineer "B" would be acting improperly by being a party to a violation of such a contract provision, and either he or the owner should obtain the permission of Engineer "A" to Engineer "A's" original plans for the expansion project, either by additions to the original plans and the addition of the seal of Engineer "B" or by incorporation by reference in separate plans.

Conclusions:

1. It would be unethical for Engineer "B" to delete the seal of Engineer "A" and substitute his seal.

2. Engineer "B" may add his seal on the modified original plans, provided that he clearly delineates on the plans the work for which he is responsible.

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