Report on a Case by the Board of Ethical Review

Case No. 69-9

Approval of Engineering Plans Related to Architectural Plans Prepared by reregistered Persons

Facts:
The law of state X requires that plans and specifications on all building projects costing over $25,000 bear the seal of an architect and of an engineer, if engineering design is required. Plans and specifications for the general contract portion of a project costing $75,000 were prepared by a drafting service which did not employ or retain a registered architect. The engineering plans which accompany the general construction plans bear the seal of Engineer A, a registered engineer in the state.

Question:
Is it unethical for a registered engineer to place his seal on plans prepared by him to accompany general construction drawings prepared by a person or persons not licensed as architects?

References:
Code of Ethics-Section 13: "The Engineer will not associate with or allow the use of his name by an enterprise of questionable character, nor will he become professionally associated with engineers who do not conform to ethical practices, or with persons not legally qualified to render the professional services for which the association is intended."

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

Discussion:
In previous cases we have discussed the propriety of engineers "associating" with non-registered engineers (61-4) and improper "associations" with a company which does not follow proper ethical procedures (63-10).

In this case, however, there is no indication that Engineer A is "associated" with the drafting service. Rather, the question is whether an engineer is required to conform to the mandate of Section 13 and Section 13(a) even if the professional services involved are those of a different design profession.

On the basis of the submitted facts the general construction plans were prepared illegally by the drafting service. Engineer A was not responsible for that violation, but he had actual notice of the violation by reason of the fact that the general construction plans did not bear the seal of a registered architect, as required by the state law. Section 13 makes abundantly clear the principle that engineers should practice in accordance with legal requirements, and if there is any doubt because Section 13 refers

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to "associated," Section 13(a) removes any element of doubt through its simple and direct statement that an engineer "will conform with registration laws in his practice of engineering."

The only question can be whether Section 13(a) applies to the registration laws of other professions. We have previously enunciated the principle that the ethical standards of the other professions should be honored by engineers when there is a relationship between the practice of engineering and the practice of architecture. We said:

"Even though the code refers only to engineers, we believe that the principles enunciated in these circumstances should be applicable to other professions, and particularly to other design professions. This view is supported by the document, 'Professional Collaboration in Environmental Design, approved both by NSPE and the American Institute of Architects. It states, in part, that engineers and architects, . . . perform their services in accordance with the standards of conduct and code of ethics of their individual professions, and each respects the standards and codes of the other professions.' " (From Case No. 68-11).

We now extend the same reasoning and principle to the duty of an engineer to respect and support the registration laws of the other professions. It would be detrimental to the engineering code of ethics to permit an engineer to practice in open violation of the legal restrictions on sister professions by use of a technicality that the engineering code of ethics applies only to engineering ethics and laws. Accordingly, even though it is not shown that Engineer A was "associated" with persons not legally qualified to render architectural services, it is shown that he did not conform with registration laws in his practice of engineering, as required by Section 13(a).

Conclusion:*
It is unethical for a registered engineer to place his seal on plans prepared by him to accompany general construction drawings prepared by a person or persons not licensed as architects, as required by the state law.

***Note**-This opinion is based on data submitted to the Board of Ethical Review and does not necessarily represent all of the pertinent facts when applied to a specific case. This opinion is for educational purposes only and should not be construed as expressing any opinion on the ethics of specific individuals. This opinion may be reprinted without further permission, provided that this statement is included before or after the text of the case.

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