Report on a Case by the Board of Ethical Review

Case No. 70-5

Dispute Between Engineers in Public Service

Facts:
Engineer A, a renowned expert in the water supply field, was appointed state commissioner of water resources by the governor of the state. Under the applicable state law, he was to perform his duties under the authority of a state commission on water resources, the members of which were elected by the public. There are five members of the state commission. One of those elected after Engineer A had been appointed was Engineer B, whose experience and expertise was in fields other than water supply.

Over a period of several years, Engineers A and B found themselves in conflict on a number of points of policy and administration. The two engineers gradually became opponents not only in private discussions but at public meetings of the commission. Exchanges between the two engineers at such meetings were duly reported in the press.

As the situation worsened in the relationships between Engineers A and B, both of them issued public statements from time to time calling upon the other to resign his position. Finally, Engineer B appealed to the governor to terminate the appointment of Engineer A, alleging that Engineer A had defied the authority of the commission and had wasted public funds. Engineer A responded to the attack with a public statement accusing Engineer B of being motivated by a desire for publicity and waging a campaign against him for reasons of political ambition. In their respective statements, Engineers A and B accused each other of unethical conduct.

Question:
Was the conduct of Engineers A and B, or either of them, unethical?

References:
Code of Ethics-Section 2(b) -"He shall seek opportunities to be of constructive service in civic affairs and work for the advancement of the safety, health, and well-being of his community."

Section 3(f)-"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."

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Section 12-"The Engineer will not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of another engineer, nor will he indiscriminately criticize another engineer's work in public. If he believes that another engineer is guilty of unethical or illegal practice, he shall present such information to the proper authority for action."

Discussion:
It is clearly beyond our purview to pass upon the truth or falsity of the charges and countercharges between Engineers A and B in the absence of detailed and specific facts. Even were such facts available, we may reasonably surmise that the issues involved were more differences of opinion or interpretation than of clear-cut right or wrong.

Leaving aside the issues in dispute, both engineers were acting in accord with Section 2(b) of the code in accepting their respective positions in the public realm. The resultant unhappy relationship between the two engineers does not negate the positive call of the code for engineers to participate in public service activities.

We are more concerned with the application of Section 3(f) of the code to the situation. Depending upon which engineer was to be more trusted than the other, either or both of them may have been in violation of Section 3(f) by acts "tending to promote his own interest at the expense of the dignity and standing of the profession." It is clear that such a "squabble" between engineers in positions of public authority cannot but harm the dignity and standing of the engineering profession. Likewise, either or both Engineers A and B may have been in violation of Section 12 of the code, again depending upon an evaluation of the merits of their respective positions.

In the final analysis, we accepted this case in the absence of an opportunity to express a judgment on the facts because it well illustrates an important point which the profession must face if the members of the profession increasingly heed the call to public service.

When Engineers A and B accepted their respective positions of public service they automatically entered the political arena. Having done so, they must expect publicly expressed differences of viewpoint, criticisms, and challenges to their performance. B, as a member of the commission, has not only the right but an obligation to review, discuss, and criticize the actions and recommendations of A. A, in turn, had every right to defend his position. Both, however, as professionals had the obligation to handle differences of opinion in a temperate and dignified manner.

From the facts before us, it appears that this was not done. Both engaged in personal recriminations, and each accused the other of unethical conduct. As stated in Section 12 of the code, if either or both engineers believed the other was guilty of unethical conduct he should have brought such charges to the profession through the appropriate state society of professional engineers or to the state registration board.

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This opinion does not deal with the relative merits of the dispute, which should be determined by the appropriate public authority, but is confined to the behavior of A and B under the Code of Ethics.

Conclusion*:
The conduct of Engineers A and B was unethical.

***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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