BER Case 95-6

Approved
December 7, 1995

II.4.d. - Code of Ethics
II.4.e. - Code of Ethics
III.1.f. - Code of Ethics

CONFLICT-OF-INTEREST -- ENGINEERING SERVICES BY TRUSTEE OF COLLEGE

FACTS:
Engineer A serves as a member of the Board of Trustees of a college in a medium-sized city. The US Department of Housing and Urban Development has awarded the city money and the city has agreed to use the money to construct a new library at the college. Engineer A would like to be considered to provide engineering services on the project.

QUESTION:
Is it ethical for Engineer A to be considered in providing engineering services on this project?

DISCUSSION:
A similar case was considered by the BER in 92-5 and 85-2.

In 92-5, an engineer serving on a community service corporation responsible for obtaining money to construct a courthouse and office. In this case the engineer was instrumental in getting the Federal government to spend the money on the project. His service corporation had no influence in determining who would design or build the project. He wanted to be a subconsultant to a larger design firm submitting proposals to the Federal government agency responsible. The BER opinion found no violation of the ethical code.

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In 85-2, an engineer served on a board of directors of a private health care provider that contracted with the county hospital board to operate a health care facility. Some engineering work is needed at the facility. The engineer received a contract from the private provider to perform the work. The decision was made by the private board of which Engineer A was a member. He did participate in the decision. The BER concluded Engineer A could not ethically seek the work or participate in the decision of selecting himself.

In the present case, the facts indicate the city will be awarding the library contract using HUD funds. The college trustees and city fathers must have a very close relationship. Although Engineer A will not be involved in the decision, he is too close to the city and could influence their decision.

CONCLUSION:

It would be unethical for Engineer A to be considered in providing engineering services on this project.

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