REFERENCES:

II.5.	-	*Code of Ethics:*	*Engineers shall avoid deceptive acts.*
II.5.a.	-	*Code of Ethics:*	*Engineers shall not falsify their qualifications or permit misrepresentation of their, or their associates' qualifications. They shall not misrepresent or exaggerate their responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint venturers or past accomplishments.*

MISREPRESENTATION – RETIRED P.E. USING P.E. DESIGNATION

FACTS:

Engineer A is licensed as a professional engineer in State B, the state in which Engineer A resides. Engineer A is about to retire from his full-time employment with ENG Co. As part of this transition and since Engineer A will no longer be engaged in the practice of engineering under his state's law, Engineer A plans to discontinue his professional engineering license, which was paid for by his former employer.

Engineer A plans to continue to serve on several local governmental boards. Because of his association with and the pride he has for engineering, Engineer A would like to continue to use the designation "P.E." after his name on his board business card and on the board's letterhead. Engineer A takes pride in his longstanding status as a professional engineer and believes he will give professional engineering added recognition by including the reference on the letterhead, which includes other individuals such as attorneys and architects. State B does not have a provision in its law that addresses the issue of "inactive status."

QUESTION:

Would it be ethical for Engineer A to continue to use the designation "P.E." after his name, even though Engineer A is no longer licensed as a professional engineer in State B?

DISCUSSION:

At first blush, the facts in this case appear to present a set of circumstances that would dictate an obvious result. It would appear on its face that an individual who has a close affinity with the engineering profession during his or her lifetime should be permitted to continue to use the P.E. designation after retirement. Once earned, it would seem to be unjust to deny one the right to call oneself a professional engineer (P.E.), particularly where the individual is seeking to enhance the recognition of professional engineers and professional engineering. However, upon further examination, the issue may be more complex than first thought and raises the question of misrepresentation of credentials or status.

In recent years, the Board has had occasion to consider two cases involving apparent misrepresentation of credentials or status. Case No. 90-4 involved the question of whether it was ethical for Engineer Z, a principal in an engineering firm, to continue to represent Engineer X as an employee of his Firm. Engineer X had been employed by Firm Y, a medium-sized engineering consulting firm controlled by Engineer Z. Engineer X is one of a few engineers in Firm Y with expertise in hydrology, but the firm's work in the field of hydrology did not constitute a significant percentage of the firm's work. Engineer X, an associate with the firm, gave two weeks' notice of her intent to move to another firm. Thereafter, Engineer Z continued to distribute a brochure identifying Engineer X as an employee of Firm Y and list Engineer X on the firm's resume.

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In concluding that Engineer Z's actions were not unethical, the Board noted that under the facts of the case, there was no suggestion that any of the brochures or other promotional material describe Engineer X as a "key employee" in the firm. Nor is there any effort or attempt on the part of Firm Y to highlight the activities or achievements of Engineer X in the field of hydrology. While the facts reveal that Engineer X is one of the few engineers in the firm with expertise in the field of hydrology, Engineer X was not the only engineer in the firm who possesses such expertise. In addition, it appeared that this area of practice did not constitute a significant portion of the services provided by Firm Y. Therefore, the Board concluded that the inclusion of the name of Engineer X in the firm's brochure and resume would not constitute a misrepresentation of "pertinent facts."

Importantly, however, in Case No. 90-4, the Board went on to note that "We must make clear that we are not condoning the failure of an engineering firm to correct material (brochures, resumes, etc.) which might have the unintentional effect of misleading clients, potential clients, and others. While we recognize the realities of firm practice and the logistical problems involved in marketing and promotion, we do believe it is important for firms to take actions to expeditiously correct any false impressions which might exist." The Board continued by noting that "we believe engineering firms that use printed material as part of their marketing efforts should take reasonable steps to assure that such written matter is as accurate and up-to-date as possible. In the case of marketing brochures and other similar materials, errata sheets, cover letters, strike-outs and, if necessary, reprints should be employed within a reasonable period of time in order to correct inaccuracies, particularly where a firm has reason to believe that a misunderstanding might occur. Firms that fail to take such measures run the risk of breaching ethical behavior."

Later, in Case No. 91-9, the Board considered a case involving Engineer A who misrepresented his educational credentials. In carefully considering earlier BER opinions, the Board again noted that the issue of falsification or misrepresentation of academic or professional qualifications is a core ethical issue because it goes to the heart of engineering ethics -- the protection of the public health and safety through the establishment of rules of conduct that help to assure that the public receives the highest quality engineering services possible. The Board has noted its deep concern over situations and circumstances where an individual expressly or implicitly falsifies or misrepresents academic or professional qualifications to employers, clients, or members of the public.

The facts in the instant case are quite different in degree than those involved in the two previous cases discussed. However, the situation does involve a degree, albeit slight, of misrepresentation. While it is true that Engineer A has demonstrated the necessary qualifications to be licensed as a professional engineer, Engineer A made a conscious and intentional decision to cease maintaining his status as a professional engineer in his state.

While the Board recognizes and appreciates Engineer A's desire to enhance the status and image of all professional engineers by indicating his professional status, the Board believes it is important that this status be represented in a manner that is above reproach, particularly because of the very public nature of Engineer A's position on several local governmental boards. At a minimum, Engineer A should indicate his inactive or retired status next to the designation P.E. To do otherwise would, we think, create a misleading impression that Engineer A is currently licensed under state law in the jurisdiction in which he resides and potentially cause embarrassment to all professional engineers. There is nothing demeaning or derogatory for an engineer to provide this straightforward and simple clarification in his status. To do so would clearly be consistent with the letter and the spirit of the law and avoid any possible questions or doubts about any actions, however unintentional, to mislead or deceive anyone concerning Engineer's current status as an engineer.

CONCLUSION:

It would be ethical for Engineer A to continue to use the designation "P.E." after his name as long as Engineer A indicates his inactive or retired status next to the P.E. designation and as long as this is done in compliance with the state engineering licensing laws and regulations.

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