LICENSURE REFERENCE

Case No. 99-12

Facts:

Engineer A is a licensed professional engineer and a principal in a large-sized engineering firm. Engineer B is a graduate engineer who works in industry and has also worked as a student in Engineer A's firm during a summer. Although Engineer B was employed in Engineer A's firm, Engineer A did not have direct knowledge of Engineer B's work. Engineer B is applying for licensure as a professional engineer and requests that Engineer A provide him with a letter of reference testifying as to Engineer B's engineering experience and that the engineer (Engineer A) was in direct charge of Engineer B. Engineer B was under the assumption that Engineer A had personal knowledge of Engineer B's work. Engineer A inquired about Engineer B's experience from someone who had direct knowledge of Engineer B's experience. Based on the inquiry, Engineer A provides the letter of reference explaining the professional relationship between Engineer A and Engineer B.

Question:

Was it ethical for Engineer A to provide the letter of reference for Engineer B attesting as to Engineer B's engineering experience even, though Engineer A did not have direct control of Engineer B's engineering work?

References:

Section II.3.	-	*Code of Ethics:*	*Engineers shall issue public statements only in an objective and truthful manner.*
Section II.3.a.	-	*Code of Ethics:*	*Engineers shall be objective and truthful in professional reports, statements or testimony. They shall include all relevant and pertinent information in such reports, statements or testimony, which should bear the date indicating when it was current.*
Section 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.*
Section III.1.	-	*Code of Ethics:*	*Engineers shall be guided in all their relations by the highest standards of honesty and integrity.*
Section III.8.a.	-	*Code of Ethics:*	*Engineers shall conform with state registration laws in the practice of engineering.*

Discussion:

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The Board has, on prior occasions, considered cases involving the misstatement of credentials of an engineer employed in a firm. In BER Case No. 92-1, Engineer A was an EIT who was employed by a medium-sized consulting engineering firm in a small city. Engineer A had a degree in mechanical engineering and had performed services almost exclusively in the field of mechanical engineering. Engineer A learned that the firm had begun a marketing campaign and in its literature listed Engineer A as an electrical engineer. There were other electrical engineers in the firm. Engineer A alerted the marketing director, also an engineer, to the error in the promotional literature and the marketing director indicated that the error would be corrected. However, after a period of six months, the error is not corrected. In ruling that the firm should take actions to correct the error, the Board noted that the firm's marketing director has been informed by the engineer in question that the firm's marketing brochure contains inaccurate information that could mislead and deceive a client or potential client. Under earlier BER Case No. 90-4, the marketing director had an ethical obligation to take expeditious action to correct the error. The Board noted that the marketing director, a professional engineer, had an ethical obligation both to the clients and potential clients, as well as to the Engineer A, to expeditiously correct the misimpression which may have been created.

The Board of Ethical Review can certainly understand in the present case the desire of Engineer A to assist another engineer (Engineer B) in enhancing career opportunities and becoming licensed as a professional engineer. Obviously such assistance should not come under misleading or deceptive circumstances. Engineers have an ethical obligation to be honest and objective in their professional reports, and such reports include written assessments of the qualifications and abilities of engineers and others under their direct supervision. Engineers that are not in a position to offer an evaluation of the qualifications and abilities of other individuals should not provide such evaluations or prepare reports that imply that they are providing such evaluations. Claiming to be in responsible charge of another engineer without actually having direct control or personal supervision over that engineer is inconsistent with the letter and the spirit of the NSPE Code.

By providing the report in the manner described, the Board believes Engineer A is sending the right message to Engineer B about what will be expected of Engineer B and his colleagues as professional engineers. Clearly, Engineer B desired the letter of reference from Engineer A, a principal in a consulting firm, in order to improve his chances to become licensed as a professional engineer, and Engineer B is taking conscientious action to address the request. Professional engineers must always be mindful that their conduct and actions as professional engineers set an example for other engineers, particularly those that are beginning their professional careers and who are looking for models and mentors upon which to build their professional identities. A professional engineer providing such a letter of reference should demonstrate that the author has obtained sufficient information about the candidate to write a letter of

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substance and detail the individual's technical abilities as well as the individual's character. A letter of recommendation for engineering licensure generally requires the recommending professional engineer to state in detail that the candidate possesses legitimate and progressive engineering work experience.

The Board is of the view that an alternative approach could have been for Engineer A to refer Engineer B back to the engineer in the firm that was in responsible charge of engineering for the letter of recommendation. However, the letter provided by Engineer A was just as adequate and ethical.

Conclusion:
It was ethical for Engineer A to provide the letter of reference for Engineer B testifying as to Engineer B's engineering experience.

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