THE ETHICAL SPECTRUM & DEVELOPING SOUND PROFESSIONAL PRACTICES
INTRODUCTION

➢ I. ETHICS - EXAMPLES & DISCUSSION

➢ II. PROFESSIONAL PRACTICES

➢ III. QUESTIONS & DISCUSSION
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ETHICS - REFERENCES & RESOURCES

- SEAU - CODE OF ETHICS

- NCEES – MODEL RULES OF PROFESSIONAL CONDUCT (Section 240.15)

- UTAH – PROFESSIONAL ENGINEERS and PROFESSIONAL LAND SURVEYORS LICENSING ACT RULE R156-22
  - Unprofessional Conduct - Section R156-22-502
  - Seal Requirements – Section R156-22-601

- MENTORING

- OPEN DIALOGUE WITH COLLEAGUES!!!
1. ENGINEERS SHALL HOLD PARAMOUNT THE SAFETY OF THE PUBLIC IN THE PERFORMANCE OF THEIR PROFESSIONAL DUTIES

EXAMPLE #1:

You're called to look at wall and design reinforcement for a proposed opening. While at the site, you notice other problems with the building. What do you do?

a. Ignore the other problems.
b. Write a CYA letter to the Client addressing your concerns.
c. Contact the Building Official.

(Refer to Guidelines 1.c & 1.d)
EXAMPLE #2:

You drive by a building designed by another engineer, and you think there might be a problem with the design. What do you do?

a. Ignore it.
b. Notify the Engineer of Record of your concerns.
c. Report the observed deficiencies to the contractor, architect, or building official.

(Refer to Guideline 1.d)
EXAMPLE #3:

When acting as a plan reviewer for a municipality and you review an engineer’s plans that are grossly inadequate (using incorrect snow loading and listing the wrong code cycle). What do you do?

a. Reject the submittal and notify the Building Official.
b. Contact the Engineer of Record.
c. Blow the whistle and file a complaint with DOPL.

What is the appropriate course of action when this particular engineer is constantly submitting substandard structural plans?

(Refer to Guideline 1.d)
2. ENGINEERS SHALL PERFORM SERVICES ONLY IN AREAS OF THEIR COMPETENCE

EXAMPLE #1:

Your firm is asked to provide structural engineering for a 25-story high rise structure utilizing a “super concrete core wall” system. However, your firm typically designs low rise, wood framed residential structures and commercial strip malls. The tallest structure your firm has undertaken in the past is three stories tall.

a. Do you accept the project?

b. Do you refer this work to another engineer that is well versed in this type of design?

(Refer to Guideline 2.a)
EXAMPLE #2:

An unlicensed “designer” develops a set of plans for a commercial building. The plans are submitted to the building department for approval but are rejected, lacking a stamp and signature of a licensed professional architect and engineer. The designer asks you to provide not only the engineering, but also stamp the architectural plans. What do you do?

a. Engineer the structural and stamp the architectural plans.
b. Offer to design the structure and prepare a stamped set of plans. But that the architectural must be performed and stamped by an architect.
c. Turn down the work.

(Refer to Guideline 1.a & 2.c)
EXAMPLE #3:

You are asked by a developer that is building a 100,000 square foot warehouse building, if you will not only prepare the structural drawings, but the architectural plans as well. What do you do?

a. Accept the complete project and make more fee.

b. Offer to provide the structural design and refer him to an architect to complete the architectural portion of the plans.

(Refer to Guideline 2.a)
3. ENGINEERS SHALL ISSUE PUBLIC STATEMENTS ONLY IN AN OBJECTIVE AND TRUTHFUL MANNER

EXAMPLE #1:

You’re writing a report for a long-term client, and it appears that the results will not be favorable and will cost a lot of money to fix and delay the project – both are something your Client will not like. What do you do?

a. Write a report that maximizes the good information and minimizes the bad.

b. Be honest, impartial, and unbiased and write a fair and honest report but let the client know what the report will contain ahead of finalizing the report.

(Refer to Guideline 3.a)
4. ENGINEERS SHALL ACT IN PROFESSIONAL MATTERS FOR EACH EMPLOYER OR CLIENT AS FAITHFUL AGENTS OR TRUSTEES AND SHALL AVOID CONFLICTS OF INTEREST

EXAMPLE #1:

You are working for an engineering firm as a licensed project engineer and you are asked by an architect friend to provide engineering on small projects on a moonlighting basis. Is it ethical to:

a. Accept the work to make some extra money.

b. Accept the work using the company’s calculations pads and possibly some of their standard details hoping that the company’s owner does not find out.

c. Notify your employer and ask if it is acceptable to moonlight on this project, using only your name on all drawings and correspondence.

(Refer to Guidelines 4.a & 4.e)
EXAMPLE #2:

You are currently working for an engineering firm, but in the near future you are planning on joining another firm or starting your own consulting firm. Is it ethical to:

a. Make copies of the company's intellectual property information such as typical details, notes and design spreadsheets for use or reference after leaving the firm.

b. Copy the company's list of clients and other pricing information for later solicitation.

c. Approach and solicit potential future work from the company's clients before leaving the firm.

(Refer to Guideline 4.d)
EXAMPLE #3:

You are currently retained by an architect to design a project with a very tight schedule. During the design process, the owner/contractor contacts you directly and proposes to pay an extra “expedited fee” directly to you for completing the work in a shorter period of time.

Is it ethical to accept this fee, without notifying the architect?

(Refer to Guidelines 4.b & 4.c)
5. ENGINEERS SHALL BUILD THEIR PROFESSIONAL REPUTATION ON THE MERIT OF THEIR SERVICE AND SHALL NOT COMPETE UNFAIRLY WITH OTHERS

EXAMPLE #1:

A new start-up engineering firm's website is listing past projects that were not completed by them directly but were worked on while employed by their previous employer.

a. Is this acceptable practice?
b. What is the acceptable way of presenting previous experience while working for another firm?

(Refer to Guideline 5.d)
EXAMPLE #2:

When providing a fee proposal (bidding) on a project, it was found that a competitor’s fee is approximately 50% of your fee, well below your estimated cost of completing the scope of work documented by the client. This firm has NOT had a history of performing designs for low fees. What should you do?

a. Chalk it up to another lost project and move on.

b. Contact the client to determine whether the two fees were based on the same scope of work.

c. Call the competing engineering firm to mention that they were low and that they may have been misled as to the scope of work or construction budget.

What is the appropriate course of action if this firm repeatedly underbids projects?

(Refer to Guideline 5.j)
EXAMPLE #3:
When performing value engineering services on a project that is not for a governmental agency or when a project is in litigation, is it:

a. Ethical to inform the engineer that you are reviewing his work?
b. Ethical to solicit value engineering services on another engineer’s project in hopes of gaining future design work?

(Refer to Guidelines 5.k & 5.l)
6. ENGINEERS SHALL ACT IN SUCH A MANNER AS TO UPHOLD AND ENHANCE THE HONOR, INTEGRITY AND DIGNITY OF THE STRUCTURAL ENGINEERING PROFESSION

Guideline 6.a Must not be dishonest, fraudulent or unethical
Guideline 6.b Perform services in accordance to Code of Standard Practice
7. ENGINEERS SHALL CONTINUE THEIR PROFESSIONAL DEVELOPMENT THROUGHOUT THEIR CAREERS AND SHALL PROVIDE OPPORTUNITIES FOR PROFESSIONAL DEVELOPMENT OF THOSE ENGINEERS UNDER THEIR SUPERVISION

EXAMPLE:

You need a lot of continuing education credits to renew your professional license and don’t have much time to earn them, so you attend a local AIA conference and sit through a few sessions on installation and care of carpet. With the credits earned, you submit your paperwork and are good for another year. Should you:

a. Feel proud that you meet the intent of the PDH requirement even though, technically, you kind of fudged it a bit.

b. Don’t worry about it because nobody ever checks the PHD credits anyway.

Continuing education is required for license renewal and in some states, specific areas of education are required.

What is your obligation as an employer to non-licensed engineers in the firm? (Ref. 7.b)
PROFESSIONAL PRACTICES

Common Issues we are faced with ..... 

- Contracts - Hold harmless & “defend” clauses
- Contracts - Release of ownership of “instruments of service”
- Dealing with change orders in design
- Submitting “incomplete place holder drawings”
- Engineer’s Sealing of Documents Protocol
Common Issues we are faced with ...... cont.

- Re-use fees on repetitive projects
- What are acceptable levels of service and associated fees
- Trend to lower percentage fees - Engineering treated as commodity
- Lowering the bar by cutting fees
- How can we better educate structural engineers on standards of practice?
QUESTIONS FROM AUDIENCE & DISCUSSION?