



PDHonline Course R106 (1 PDH)

Standards of Professional Conduct

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PDH Online | PDH Center

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Standards of Professional Conduct

Course Outline

Besides meeting specific requirements, such as education, experience, and examination, an engineer/surveyor must get familiar with the standards of professional conduct in order to practice engineering/surveying in any state. While the detailed standards vary from state to state, the basic requirements for the licensing qualifications and professional conduct are very similar throughout the United States. In this course, the student is required to study the Standards of Professional Conduct contained in North Carolina and Georgia Board Rules. In addition, the student needs to review Part 29 - Unprofessional Conduct in New York Board Rules.

This course includes a multiple-choice quiz at the end, which is designed to enhance the understanding of course materials.

Learning Objective

The purpose of this course is to get familiar with the rules of professional conduct. Upon completing the course, the student will

- have a better understanding of his/her primary obligation and professional duties;
- Be aware of inappropriate conduct or practice; and
- Be prepared to make ethical decisions in his/her professional practice.

Course Content

All state boards for PE & LS require that the licensed professional engineers/surveyors get familiar with the Rules for Professional Conduct (the Rules). Many state boards periodically disclose in their newsletters the disciplinary actions taken by the boards against the licensees who violated the Rules. The most common types of violations are:

1. Performed services outside his/her area of competence.
2. Practiced engineering without being licensed in the state of the project.
3. Practiced or offered to practice engineering while not properly licensed.
4. Failed to properly sign, seal and date documents.
5. Affixed his/her seal to work not done under his/her direct supervision or responsible charge.
6. Affixed his/her seal to inadequate design documents, failing to protect the public.



Other types of violations include:

1. Produced a deficient, substandard or inaccurate report, failing to protect the public.
2. Contracted with non-licensed individual to provide certain professional services.
3. Failed to avoid conflicts of interests.

To avoid the above violations, it is highly recommended for all licensees to periodically review the Rules. As a professional engineer/surveyor, the licensee shall at all times recognize the primary obligation to protect the safety, health, property and welfare of the public. If a licensee's engineering judgment is overruled under circumstances where the safety, health or welfare of the public are endangered, he/she shall inform the proper authorities and his/her employer of the situation as may be appropriate.

In this course the student needs to study the Standards of Professional Conduct (Section 21-56.0700) contained in [Rules of North Carolina State Board of Examiners for Engineers and Surveyors](#), the Standards of Professional Conduct ([Chapter 180-6](#)) contained in [Rules Of Georgia State Board of Registration for Professional Engineers](#), and Part 29 - Unprofessional Conduct in [New York Board Rules](#). The followings are excerpts from the above Rules.

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Section 21-56.0700. STANDARDS OF PROFESSIONAL CONDUCT (Excerpt from North Carolina Board Rules)

21-56.0701. RULES OF PROFESSIONAL CONDUCT

(a) In order to safeguard the life, health, property and welfare of the public and to establish and maintain a high standard of integrity, skills, and practice in the professions of engineering and land surveying, the following rules of professional conduct are promulgated in accordance with G.S. 89C-20 and shall be binding upon every person holding a certificate of licensure as a Professional Engineer or Professional Land Surveyor (licensee), and on all business entities authorized to offer or perform engineering or land surveying services in this state.

All persons licensed under the provisions of Chapter 89C of the General Statutes are charged with having knowledge of the existence of the rules of professional conduct, and shall be deemed to be familiar with their several provisions and to understand them.

(b) The licensee shall conduct the practice in order to protect the public health, safety and welfare. The licensee shall at all times recognize the primary obligation to protect the public in the performance of the professional duties. If the licensee's engineering or land surveying judgment is overruled under circumstances where the safety, health and welfare of the public are endangered, the licensee shall inform the employer, the contractor and the appropriate regulatory agency of the possible consequences of the situation.

(c) The licensee shall perform services only in areas of the licensee's competence and:

(1) Shall undertake to perform engineering and land surveying assignments only when qualified by education or experience in the specific technical field of professional engineering or land surveying involved.

(2) May accept an assignment or project requiring education or experience outside of the licensee's own field of competence, but only to the extent that the services are restricted to those portions or disciplines of the project in which the licensee is qualified. All other portions or disciplines of such project shall be performed by associates, consultants, or employees who are licensed and competent in those portions or disciplines.

(3) Shall not affix the signature or seal to any engineering or land surveying plan or document dealing with subject matter for which the licensee lacks competence by virtue of education or experience, nor to any such plan or document not prepared under the licensee's direct supervisory control. Direct supervisory control (responsible charge) requires a licensee or employee to carry out all client contacts, provide internal and external financial control, oversee employee training, and exercise control and supervision over all job requirements to include research, planning, design, field supervision and work product review. A licensee shall not contract with a non-licensed individual to provide these professional services. Research, such as title searches and soil testing, may be contracted to a non-licensed individual, provided that individual is qualified or licensed to provide such service and provided the licensee reviews the work. The licensee may affix the seal and signature to drawings and documents depicting the work of two or more professionals provided it is designated by a note under the seal the specific subject matter for which each is responsible.

(d) The licensee shall issue public statements only in an objective and truthful manner and:

(1) Shall be objective and truthful in all professional reports, statements or testimony. The licensee shall include all relevant and pertinent information in such reports, statements or testimony.

(2) When serving as an expert or technical witness before any court, commission, or other tribunal, shall express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of the licensee's testimony.

(3) Shall issue no statements, criticisms, or arguments on engineering or land surveying matters connected with public policy which are inspired or paid for by an interested party, or parties, unless the licensee has prefaced the comment by explicitly identifying the licensee's name, by disclosing the identities of the party or parties on whose behalf the licensee is speaking, and by revealing the existence of any pecuniary interest the licensee may have in the instant matters.

(4) Shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice or employment of another engineer or land surveyor, nor indiscriminately criticize another engineer or land surveyor's work in public. Indiscriminate criticism includes statements without valid basis or cause or that are not objective and truthful or that fail to include all relevant and pertinent information. If the licensee believes that another engineer or land surveyor is guilty of misconduct or illegal practice, such information shall be presented to the North Carolina Board of Examiners.

(e) The licensee shall avoid conflicts of interest and:

(1) Shall promptly inform the employer or client and any reviewing agency of any business association, interests, or circumstances which could influence judgment or the quality of services.

(2) Shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed to, and agreed to, by all interested parties.

(3) Shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products.

(4) Shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with the client or employer in connection with work for which the licensee is responsible.

(5) When in public service as a member, advisor, or employee of a governmental body or department, shall not participate in considerations or actions with respect to services provided by the licensee or the licensee's organization in private engineering and land surveying practices.

(6) Shall not solicit or accept an engineering or land surveying contract from a governmental body on which a principal or officer of the licensee's organization serves as a member.

(7) Shall not attempt to supplant another engineer or land surveyor in a particular employment after becoming aware that the other has been selected for the employment.

(f) The licensee shall solicit or accept work only on the basis of qualifications and:

(1) Shall not offer to pay, either directly or indirectly, any commission, political contribution, gift, or other consideration in order to secure work, exclusive of securing salaried positions through employment agencies.

(2) Shall compete for employment on the basis of professional qualification and competence to perform the work. The licensee shall not solicit or submit proposals for professional services containing a false, fraudulent, misleading, deceptive or unfair statement or claim regarding the cost, quality or extent of services to be rendered.

(3) Shall, with regard to fee bidding on public projects, comply with the provisions of G.S. 143-64.31 et seq., (or for federal projects, the Brooks Act, 40 U.S. Code 541 et seq.) and shall not knowingly cooperate in a violation of any provision of G.S. 143-64.31 et seq. (or of 40 U.S. Code 541 et seq.)

(4) Shall not falsify or permit misrepresentation of academic or professional qualifications and shall only report educational qualifications when a degree or certificate was awarded, unless it is clearly stated that no degree or certificate was awarded. The licensee shall not misrepresent degree of 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 ventures, or past accomplishments with the intent and purpose of enhancing qualifications and work.

(g) The Licensee shall perform services in an ethical and lawful manner and:

(1) Shall not knowingly associate with or permit the use of the licensee's name or firm name in a business venture by any person or firm which the licensee knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature or is not properly licensed.

(2) If the licensee has knowledge or reason to believe that another person or firm may be in violation of any of these provisions or of the North Carolina Engineering and Land Surveying Act, shall present such information to the Board in writing and shall cooperate with the Board in furnishing such further information or assistance as may be required by the Board. The licensee shall timely respond to all inquiries and correspondence from the Board and shall timely claim correspondence from the U. S. Postal Service, or other delivery service, sent to the licensee from the Board.

(h) A Professional Engineer or Professional Land Surveyor who has received a reprimand or civil penalty or whose professional license is revoked, suspended, denied, or surrendered as a result of disciplinary action by another jurisdiction shall be subject to discipline by the Board if the licensee's action constitutes a violation of Chapter 89C of the North Carolina General Statutes or the rules adopted by the Board.

21-56.0702. RULES OF CONDUCT OF ADVERTISING

(a) The Professional Engineer or Professional Land Surveyor shall not make exaggerated, misleading, deceptive or false statements or claims about professional qualifications, experience or performance in brochures, correspondence, listings, or other public communications.

(b) The prohibitions listed in Paragraph (a) of this Rule include, but are not limited to, the use of statements containing a material misrepresentation of fact or omitting a material fact necessary to keep the statement from being misleading; statements intended or likely to create an unjustified expectation; and statements containing a prediction of future success.

(c) Consistent with the foregoing, the Professional Engineer or Professional Land Surveyor may advertise for recruitment of personnel.

(d) Consistent with the foregoing, the Professional Engineer or Professional Land Surveyor may prepare articles for the lay or technical press. Such articles shall not imply credit to the author for work performed by others.

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Chapter 180-6. STANDARDS OF PROFESSIONAL CONDUCT (Excerpt from Georgia Board Rules)

180-6-.01 General. Amended.

(1) In order to safeguard the life, health, property and welfare of the public and to establish and maintain a high standard of integrity, skills, and practice in the professions of engineering and land surveying, the following Rules of Professional Conduct are promulgated in accordance with O.C.G.A. 43-15-6(1). The following rules shall be binding upon every individual who possesses a certificate or a certificate of registration issued by the Board and upon every firm, professional corporation, association, governmental agency, partnership, corporation or other legal or commercial entity offering engineering or land surveying services to the public and to all personnel of such firm, corporation, partnership, association, or entity who act in its behalf in the practice of engineering or land surveying in this state.

(2) The Rules of Professional Conduct as promulgated herein are an exercise of the police power vested in the Georgia Board of Registration for Professional Engineers and Land Surveyors by virtue of the acts of the legislature. By that investment, the said Board is authorized to establish conduct, policy, and practices in accordance with the powers hereinabove stated.

(3) All persons registered under O.C.G.A. Chapter 15, Title 43, are charged with having knowledge of the existence of these Rules of Professional Conduct and shall be deemed to be familiar with their several provisions and to understand them. Such knowledge shall encompass the understanding that the practice of engineering or land surveying is a privilege as opposed to a right. The registrant shall be forthright and candid in his/her statements or written response to the Board or its representatives on matters pertaining to professional conduct.

180-6-.02 Protection of the Public. Amended.

The engineer or land surveyor shall at all times practice in such a manner as to protect the safety, health and welfare of the public. If a registrant's engineering or land surveying judgment is overruled under circumstances where the safety, health or welfare of the public are endangered, he/she shall inform the proper authorities and his/her employer of the situation as may be appropriate.

180-6-.03 Rules of Practice.

(1) The engineer or land surveyor shall perform services only in areas of his/her competence. The engineer or land surveyor shall undertake to perform engineering or land surveying assignments only when qualified by education or experience in the specific technical field of professional engineering or land surveying involved.

(2) The engineer or land surveyor may accept an assignment requiring education or experience outside of his/her own field of competence, but only to the extent that his/her services are restricted to those phases of the project in which he/she is qualified. All other phases of such project shall be performed by qualified associates, consultants or employees who shall sign, seal, and be responsible for such other phases or technical segments.

(3) The professional engineer who develops the design criteria and engineering concept for a project, provides analysis, and is responsible for the preparation of the construction documents shall be responsible for the design of the project within his/her contractual area of engineering services and shall be known as the engineer of record.

(4) In the event that a professional engineer who is not the engineer of record is used for specific portions of the work, that individual shall be a registered engineer in the State of Georgia and shall seal, sign, and date his/her own reports, calculations, and drawings. He/she shall coordinate his/her work with the engineer of record and shall be responsible to the engineer of record for that specific portion of the project design. He/she shall be known as the specialty engineer.

(5) The engineer or land surveyor shall not affix his/her signature and/or seal to any engineering or land surveying plan, document, or plat unless such plan, document, or plat is prepared by the registrant or an individual in the employ of the registrant. All plans, documents, and plats prepared by non-registrants must be prepared under the direct supervisory control of the registrant on a daily basis.

(6) "Direct supervisory control" shall be defined as providing direct input in preparation of engineering or land surveying plans, documents, or plats, consultation, periodic review, and final review of such plans, documents, or plats. "On a daily basis" shall mean supervising activities at the place of employment where the registrant and the employee spend the majority of the working time as dictated by payroll records including but not limited to social security, workman's compensation, unemployment insurance, etc.

(7) In the event a question arises as to the competence of an engineer or land surveyor to perform an assignment, the Board may require him/her to submit to an appropriate examination, as determined by the Board. That action by the Board shall be required only if the question cannot be otherwise resolved to the Board's satisfaction.

(8) Renovation or the retrofitting of a building or structure is considered as the practice of engineering when the work involves the addition or reduction of weight or loading; analysis of structural systems or members; removal or addition of structural elements; analysis of drainage systems on or below the roof surface; changes to the drainage characteristics; or changes required for the building or structure to conform to current jurisdictional building codes. Nothing in this rule is intended to restrict the normal practice by registered architects. Nothing in this rule is intended to restrict the normal practice of roofing contractors insofar as repairing or the replacement of like kind of roofing systems so long as no additional weight is added.

180-6-.04 Statement and Testimony. Amended.

(1) The engineer or land surveyor shall be completely objective and truthful in issuing public statements, reports or testimony. He/she shall include all relevant and pertinent information in those statements, reports or testimony.

(2) The engineer or land surveyor, when serving as an expert or technical witness before any court, commission, or other tribunal, shall express an opinion only when it is founded upon adequate knowledge of the facts at issue. That expression shall reflect a background of technical competence in the subject matter, and an honest conviction of the accuracy and propriety of his/her testimony.

(3) No engineer or land surveyor licensed under O.C.G.A. Chapter 15, Title 43, shall issue statements, criticisms, or arguments on engineering or land surveying matters connected with public policy which are inspired or paid for by an interested party or parties unless he/she has prefaced such comments by explicitly identifying the party on whose behalf he/she is speaking. The engineer or land surveyor must at the same time reveal the existence of any pecuniary interest he/she may have in the matters.

180-6-.05 Conflict of Interest. Amended.

(1) The engineer or land surveyor shall avoid conflicts of interest. The engineer or land surveyor shall conscientiously avoid conflict of interest with his/her employer or client, but, when unavoidable, the engineer or land surveyor shall forthwith disclose the circumstances to his employer or client.

(2) The engineer or land surveyor shall avoid all known conflicts of interest with his/her employer or client and shall promptly inform his/her employer of any business association, interests, or circumstances which could influence his/her judgment or the quality of his/her services.

(3) The engineer or land surveyor shall not accept compensation, financial or otherwise, from more than one party for services on the same project or for services pertaining to the same project unless the circumstances are fully disclosed to and agreed to by all interested parties.

(4) The engineer or land surveyor shall not solicit or accept financial or other valuable considerations, directly or indirectly, from material or equipment suppliers, or their representatives, for specifying their products.

(5) The engineer or land surveyor shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties in connection with work for which he/she is responsible.

(6) The engineer or land surveyor in public service as a member, advisor, or employee of a governmental body or department shall not participate in considerations or actions with respect to matters involving him/her or his/her organization's private or public engineering or land surveying practices.

(7) The engineer or land surveyor shall not solicit or accept an engineering or land surveying contract from a governmental body on which a principal or officer of his/her organization serves as a member.

180-6-.06 Conduct.

(1) The engineer or land surveyor shall solicit or accept professional employment only on the basis of his/her qualifications and competence for proper accomplishment of the work. No engineer or land surveyor may provide a fee proposal to a potential client until he/she (a) established or reviewed the scope of services for the project, (b) determined that, based on his/her review of the scope of services, that he/she is competent to provide the professional services required, and (c) made his/her qualifications known to the prospective client. On proposals including more than one engineer or land surveyor, each individual shall be responsible for complying with this rule for his/her respective portion of the proposal. The engineer or land surveyor shall not offer to pay, either directly or indirectly, any commission,

political contribution, gift, or other consideration in order to secure work, exclusive of securing salaried positions through employment agencies.

(2) The engineer or land surveyor shall not falsify or permit misrepresentation of his/her or his/her associate's academic or professional qualifications. He/she shall not misrepresent or exaggerate his/her degree of responsibility for prior assignments in brochures or other presentations for the solicitation of employment. He/she shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or his/her or their past accomplishments with the intent and purpose of enhancing his/her qualifications or work.

180-6-.07 Ethics. Amended.

(1) The engineer or land surveyor shall associate only with reputable persons or organizations. The engineer or land surveyor shall not knowingly associate with or permit the use of his/her name, or firm name, in a business venture by any person or firm which he/she knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature.

(2) If the engineer or land surveyor has knowledge or reason to believe that another person or firm may be in violation of any of these provisions or of O.C.G.A. 43-15, he/she shall promptly present such information to the Board in writing and shall cooperate with the Board in furnishing such further information or assistance as may be required by the Board.

180-6-.08 Convictions. Amended.

A violation of O.C.G.A. Chapter 15, Title 43, or of the rules of another jurisdiction, if for a cause which in the State of Georgia would constitute a violation of O.C.G.A. 43-15 or these rules, shall be grounds for a charge of violation of these rules.

180-6-.09 Certification.

(1) The term "Certification" as used in Rule 180-6-.09(2) and (3) and relating to professional engineering or land surveying services, as defined in O.C.G.A. 43-15-2(6) and (11), shall mean a signed statement based upon facts and knowledge known to the registrant and is not a guarantee or warranty, either expressed or implied.

(2) When an engineer or land surveyor is presented with a certificate to be signed or sealed, he or she should carefully evaluate that certification to determine if the certification:

(a) relates to matters which are within the technical competence of the engineer or land surveyor;

(b) involves matters which are within the scope of services actually provided by the engineer or land surveyor or;

(c) relates to matters which were prepared under the supervision, direction and control of the engineer or land surveyor.

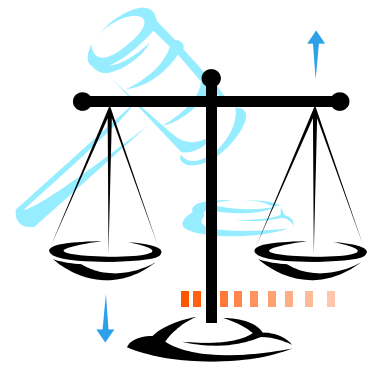
(3) Engineers or land surveyors who sign or seal certification not meeting criteria in subsection (2) are subject to discipline pursuant to O.C.G.A. 43-15-19(a)(5).

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Part 29. UNPROFESSIONAL CONDUCT (Excerpt from New York Board Rules)

§ 29.1 General provisions.

- a. Unprofessional conduct shall be the conduct prohibited by this section. The provisions of these rules applicable to a particular profession may define additional acts or omissions as unprofessional conduct and may establish exceptions to these general prohibitions.
- b. Unprofessional conduct in the practice of any profession licensed, certified or registered pursuant to title VIII of the Education Law, except for cases involving those professions licensed, certified or registered pursuant to the provisions of Article 131 or 131-B of such law in which a statement of charges of professional misconduct was not served on or before July 26, 1991, the effective date of Chapter 606 of the Laws of 1991, shall include:
 1. willful or grossly negligent failure to comply with substantial provisions of Federal, State or local laws, rules or regulations governing the practice of the profession;
 2. exercising undue influence on the patient or client, including the promotion of the sale of services, goods, appliances or drugs in such manner as to exploit the patient or client for the financial gain of the practitioner or of a third party;
 3. directly or indirectly offering, giving, soliciting, or receiving or agreeing to receive, any fee or other consideration to or from a third party for the referral of a patient or client or in connection with the performance of professional services;
 4. permitting any person to share in the fees for professional services, other than: a partner, employee, associate in a professional firm or corporation, professional subcontractor or consultant authorized to practice the same profession, or a legally authorized trainee practicing under the supervision of a licensed practitioner. This prohibition shall include any arrangement or agreement whereby the amount received in payment for furnishing space, facilities, equipment or personnel services used by a professional licensee constitutes a percentage of, or is otherwise dependent upon, the income or receipts of the licensee from such practice, except as otherwise provided by law with respect to a facility licensed pursuant to Article 28 of the Public Health Law or Article 13 of the Mental Hygiene Law;
 5. conduct in the practice of a profession which evidences moral unfitness to practice the profession;
 6. willfully making or filing a false report, or failing to file a report required by law or by the Education Department, or willfully impeding or obstructing such filing, or inducing another person to do so;
 7. failing to make available to a patient or client, upon request, copies of documents in the possession or under the control of the licensee which have been prepared for and paid for by the patient or client;



8. revealing of personally identifiable facts, data or information obtained in a professional capacity without the prior consent of the patient or client, except as authorized or required by law;
9. practicing or offering to practice beyond the scope permitted by law, or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform, or performing without adequate supervision professional services which the licensee is authorized to perform only under the supervision of a licensed professional, except in an emergency situation where a person's life or health is in danger;
10. delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified, by training, by experience or by licensure, to perform them;
11. performing professional services which have not been duly authorized by the patient or client or his or her legal representative;
12. advertising or soliciting for patronage that is not in the public interest:
 - i. Advertising or soliciting not in the public interest shall include, but not be limited to, advertising or soliciting that:
 - a. is false, fraudulent, deceptive or misleading;
 - b. guarantees any service;
 - c. makes any claim relating to professional services or products or the cost or price therefore which cannot be substantiated by the licensee, who shall have the burden of proof;
 - d. makes claims of professional superiority which cannot be substantiated by the licensee, who shall have the burden of proof; or
 - e. offers bonuses or inducements in any form other than a discount or reduction in an established fee or price for a professional service or product.
 - ii. The following shall be deemed appropriate means of informing the public of the availability of professional services:
 - a. informational advertising not contrary to the foregoing prohibitions; and
 - b. the advertising in a newspaper, periodical or professional directory or on radio or television of fixed prices, or a stated range of prices, for specified routine professional services, provided that if there is an additional charge for related services which are an integral part of the overall service being provided by the licensee, the advertisement shall so state, and provided further that the advertisement indicates the period of time for which the advertised prices shall be in effect.
 - c. all licensees placing advertisements shall maintain, or cause to be maintained, an exact copy of each advertisement, transcript, tape or videotape thereof as appropriate for the medium used, for a period of one year after its last appearance. This copy shall be made available for inspection upon demand of the Education Department;
 - d. a licensee shall not compensate or give anything of value to representatives of the press, radio, television or other communications media in anticipation of or in return for professional publicity in a news item;

- iii. Testimonials, demonstrations, dramatizations, or other portrayals of professional practice are permissible provided that they otherwise comply with the rules of professional conduct and further provided that the following conditions are satisfied:
 - a. the patient or client expressly authorizes the portrayal in writing;
 - b. appropriate disclosure is included to prevent any misleading information or imagery as to the identity of the patient or client;
 - c. reasonable disclaimers are included as to any statements made or results achieved in a particular matter;
 - d. the use of fictional situations or characters may be used if no testimonials are included; and
 - e. fictional client testimonials are not permitted;
13. failing to respond within 30 days to written communications from the Education Department or the Department of Health and to make available any relevant records with respect to an inquiry or complaint about the licensee's unprofessional conduct. The period of 30 days shall commence on the date when such communication was delivered personally to the licensee. If the communication is sent from either department by registered or certified mail, with return receipt requested, to the address appearing in the last registration, the period of 30 days shall commence on the date of delivery to the licensee, as indicated by the return receipt;
14. violating any term of probation or condition or limitation imposed on the licensee by the Board of Regents pursuant to Education Law, Section 6511.

§ 29.3 General provisions for design professions.

- a. Unprofessional conduct shall also include, in the professions of architecture and landscape architecture, engineering and land surveying:
 1. being associated in a professional capacity with any project or practice known to the licensee to be fraudulent or dishonest in character, or not reporting knowledge of such fraudulence or dishonesty to the Education Department;
 2. failing to report in writing to the owner or to the owner's designated agent any unauthorized or improperly authorized substantial disregard by any contractor of plans or specifications for construction or fabrication, when professional observation or supervision of the work is provided for in the agreement between the owner and the design professional or when supervision of the work is under the control of the design professional;
 3. certifying by affixing the licensee's signature and seal to documents for which the professional services have not been performed by, or thoroughly reviewed by, the licensee; or failing to prepare and retain a written evaluation of the professional services represented by such documents in accordance with the following requirements:
 - i. a licensee who signs and seals documents not prepared by the licensee or by an employee under the licensee's direct supervision shall prepare, and retain for a period of not less than six years, a thorough written evaluation of the professional services represented by the documents, including but not limited to drawings, specifications, reports, design calculations and references to applicable codes and standards. Such written evaluation shall clearly identify the project and the documents to which it relates, the

- source of the documents and the name of the person or organization for which the written evaluation was conducted, and the date of the evaluation, and the seal and signature of the licensee shall also be affixed thereto; and
- ii. nothing in this paragraph shall be construed as authorizing the practice of a design profession in this State by persons other than those authorized to practice pursuant to the provisions of Article 145, 147 or 148 of the Education Law;
4. failure by a licensee to maintain for at least six years all preliminary and final plans, documents, computations, records and professional evaluations prepared by the licensee, or the licensee's employees, relating to work to which the licensee has affixed his seal and signature;
 5. having a substantial financial interest, without the knowledge and approval of the client or employer, in any products or in the bids or earnings of any contractor, manufacturer or supplier on work for which the professional has responsibility;
 6. permitting any person to share in the fees for professional services, other than: a partner, employee, associate in a professional firm or corporation, subcontractor or consultant. This prohibition shall include any arrangement or agreement whereby the amount received in payment for furnishing space, facilities, equipment, or personnel services used by a professional licensee constitutes a percentage of or is otherwise dependent upon the income or receipts of the licensee from such practice. This provision shall apply in lieu of Section 29.1(b)(4) of this Part;
 7. accepting any form of compensation from more than one party for services on the same project without fully disclosing the circumstances and receiving approval from all interested parties; or
 8. participating as a member, advisor or employee or a government body in those actions or deliberations which pertain to services provided by the practitioner or his or her organization for such government body.
- b. Unprofessional conduct shall not be construed to include:
1. the employment, with the knowledge of the client, of qualified consultants to perform work in which the consultant has special expertise. This provision shall apply in conjunction with Section 29.1(b)(9) of this Part; and
 2. participation as a delegator, or delegatee in delegating or accepting delegation, through an intermediate entity not authorized to provide professional design services, of specifically defined work involving the performance of a design function requiring a professional license, under the following terms, conditions and limitations:
 - i. such specifically defined design work shall be limited to project components ancillary to the main components of the project;
 - ii. the delegator shall specify in writing to the delegatee all parameters which the design must satisfy;
 - iii. the design function shall be required to be performed in accordance with performance specifications established by the delegator;
 - iv. the delegatee shall be required to be licensed or otherwise legally authorized to perform the design work involved and shall be required to sign and certify any design prepared;
 - v. the delegator shall be required to review and approve the design submitted by the delegatee for conformance with the established specifications and parameters and such determination shall be in writing; and

- vi. the delegator shall be required to determine that the design prepared by the delegatee conforms to the overall project design and can be integrated into such design and such determination shall be in writing.
3. As used in paragraph (2) of this subdivision:
 - i. *Delegator* means a primary design team or team of design professionals which may be composed of professional engineers, land surveyors, architects and landscape architects acting either alone or in combination, licensed and registered in accordance with Articles 145, 147 or 148 of the Education Law, and authorized to provide the services being delegated.
 - ii. *Intermediate entity* means a person or entity, typically a contractor or subcontractor, responsible for performing the work under the contract for construction.
 - iii. *Delegatee* means a design professional, licensed and registered in accordance with Articles 145, 147 or 148 of the Education Law, who is employed or retained by the intermediate entity to produce design work in compliance with the performance requirements and parameters specified by a delegator.
 - iv. *Certify* means a written statement by a licensee confirming responsibility for the work and attesting that the work prepared meets the specifications (as well as conforming to governing codes applicable at the time the work was prepared), and conforms to prevailing standards of practice.

Course Summary

To safeguard the life, health, property and welfare of the public, licensed professional engineers and land surveyors must obey the rules of professional conduct (the Rules). A licensee who violates the Rules may be subject to disciplinary action, such as a fine, reprimand, suspension or revocation of the license.

Related Link

[ASCE Standards of Professional Conduct for Civil Engineers](#)

