

# A Comparison between the NSPE Code of Ethics and the Board Rules of Professional Conduct

PREPARED FOR

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By

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Oklahoma Board of Licensure for Professional  
Engineers and Land Surveyors

# 2023-2024 Board of Licensure for Professional Engineers and Land Surveyors



# Primary Functions of the Your Licensing Board

Regulation of these professions consists of two important functions:

- 1.... *Licensure* to ensure that professional engineer and surveyor applicants are qualified to practice their profession in their respective states
- 2... *Enforcement* to ensure that licensees are performing their professional services in conformity with the intent and purpose of the law and related rules of professional conduct and to protect the public from the unlicensed practitioner

# Purpose of the Board

O.S Title 59, Section 475.1:

In order to safeguard life, health and property, and to promote the public welfare, the practice of engineering and the practice of land surveying in this state are hereby declared to be subject to regulation in the public interest.

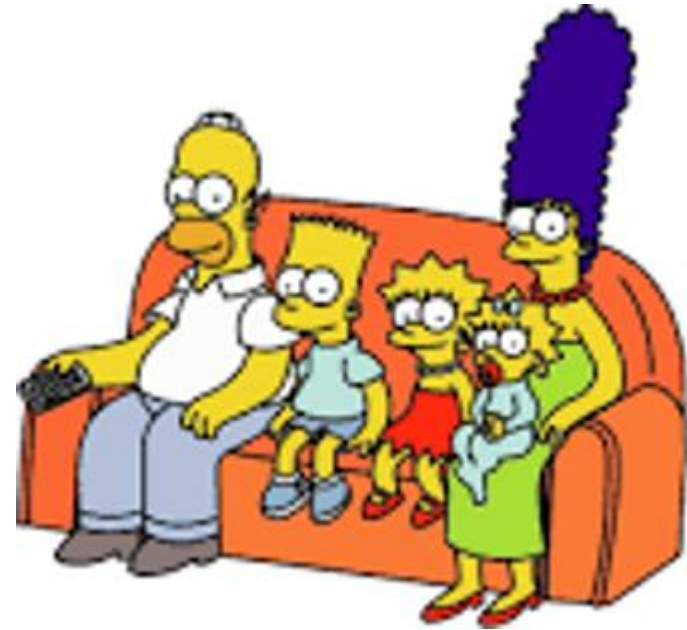
Licensees shall hold paramount the safety, health and welfare of the public in the performance of their professional duties 245: 15-9-1 (a)

# Ethical Behavior Defined

Being in accordance with the accepted principles of right and wrong that govern the conduct of a profession



# So where did you get your ethics?



# Code of Ethics-Rules of Professional Conduct

- Good Laws and Rules, Effectively Enforced, Produce Positive Benefits
- Positive Stimulus for Ethical Conduct
- Helpful Guidance
- Give Positive Support to Those Seeking to Act Ethically
- Contributes to the Profession's Positive Public Image
- Means for Deterring and Disciplining Unethical Professional Practice

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# Rules of Professional Conduct

- OAC Title 245: 15-9

245:15-9-1. Purpose; scope; applicability (a) To safeguard life, health, safety, and property, to promote the public welfare, and to establish and to maintain integrity and high standards of skill and practice in the engineering and surveying professions, the Rules of Professional Conduct in this subchapter shall be binding upon every licensee and on all firms authorized to offer or perform engineering or land surveying services in Oklahoma.



# NSPE Preamble

## **Preamble**

Engineering is an important and learned profession. As members of this profession, engineers are expected to exhibit the highest standards of honesty and integrity.

Engineering has a direct and vital impact on the quality of life for all people. Accordingly, the services provided by engineers require honesty, impartiality, fairness, and equity, and must be dedicated to the protection of the public health, safety, and welfare. Engineers must perform under a standard of professional behavior that requires adherence to the highest principles of ethical conduct.

# NSPE Fundamental Cannons

## I. Fundamental Canons

Engineers, in the fulfillment of their professional duties, shall:

1. Hold paramount the safety, health, and welfare of the public.
2. Perform services only in areas of their competence.
3. Issue public statements only in an objective and truthful manner.
4. Act for each employer or client as faithful agents or trustees.
5. Avoid deceptive acts.
6. Conduct themselves honorably, responsibly, ethically, and lawfully so as to enhance the honor, reputation, and usefulness of the profession.

# Rules of Practice

NSPE

Board Rule 15-9-3 (g)

## **II. Rules of Practice**

1.
  - a. If engineers' judgment is overruled under circumstances that endanger life or property, they shall notify their employer or client and such other authority as may be appropriate.

(g) Licensees shall notify their employer or client and such other authority as may be appropriate when their professional judgment is overruled under circumstances where the life, health, property, or welfare of the public is endangered.

# Rules of Practice

NSPE

## II. Rules of Practice

1.

b. Engineers shall **approve** only those engineering documents that are in conformity with applicable standards.

Board Rule 15-9-3

(b) Licensees **shall sign, date, and seal** only those design documents and surveys which conform to accepted engineering or land surveying standards and that safeguard the life, health, property and welfare of the public.

# Rules of Practice

## NSPE

### III. Professional Obligations

2.

b. Engineers shall not complete, sign, or seal plans and/or specifications that are not in conformity with applicable engineering standards. If the client or employer insists on such unprofessional conduct, they shall notify the proper authorities and withdraw from further service on the project.

## Board Rule

No corresponding Board Rule

# Rules of Practice

NSPE

## **II. Rules of Practice**

1.
  - c. Engineers shall not reveal facts, data, or information without the prior consent of the client or employer except as authorized or required by law or this Code.

Board Rules 15-9-3

- c. Licensees shall not reveal facts, data or information obtained in a professional capacity without the prior consent of the client, employer, or public body on which they serve except as authorized or required by law or rules.

# Rules of Practice

## NSPE

### II. Rules of Practice

1.

d. Engineers shall not permit the use of their name or associate in business ventures with any person or firm that they believe is engaged in fraudulent or dishonest enterprise.

e. Engineers shall not aid or abet the unlawful practice of engineering by a person or firm.

## Board Rule 15-9-3

- (d) Licensees shall not partner, practice, or offer to practice, or permit the use of their name or firm name nor associate in business ventures with any person or firm which they know, or have reason to believe, is engaging in fraudulent or dishonest business or professional practices

# Rules of Practice

## NSPE

### II. Rules of Practice

1.

(f) Engineers having knowledge of any alleged violation of this Code **shall** report thereon to appropriate professional bodies and, when relevant, also to public authorities, and cooperate with the proper authorities in furnishing such information or assistance as may be required.

## Board Rule 15-9-3

(f) Licensees who have knowledge or reason to believe that any person or firm has violated any of these "Rules of Professional Conduct" or any other provision of Title 59 O.S., Sec. 475.1 et seq, Title 65 O.S. Sec 3.116 et seq, or the rules of this Board, **should** report it to the Board, may report it to appropriate legal authorities, and shall cooperate with the Board and those authorities as may be requested



# Rules of Practice

## NSPE

- No corresponding NSPE rule

## Board Rule 15-9-3

- (e) Licensees should make a reasonable effort to inform another licensee whose work is believed to contain a material discrepancy, error, or omission that may impact the health, safety, property or welfare of the public, unless such reporting is legally prohibited. The licensee shall report this matter to the Board for investigation if it is not resolved.

# Rules of Practice

NSPE

## II. Rules of Practice

2.

a. Engineers shall perform services only in the areas of their competence. Engineers shall undertake assignments only when qualified by education or experience in the specific technical fields involved.

Board Rule 15-9-4

a. Licensees shall practice only in the areas of their competence and shall undertake assignments only when qualified by education, examination, or experience in the specific technical fields of engineering or land surveying involved. The records of the Board shall indicate a discipline(s) of engineering designated by the license holder and considered by the Board to be their area(s) of competence

# Rules of Practice

NSPE

## II. Rules of Practice

2.

b. Engineers shall not affix their signatures to any plans or documents dealing with subject matter in which they lack competence, nor to any plan or document not prepared under their direction and control.

Board Rule 15-9-4(b)

(b) Licensees shall not affix their signatures, date of signature, or seals to any plans or documents dealing with subject matter in which they lack competence, or **areas of competence** designated in the official Board records, nor to any plan or document not prepared under their **direct control and personal supervision**.

# Adding a Discipline

- All requests relating to listings for area(s) of competency require the review of the Board or its designee and shall include the following:
- (A) a transcript showing a Board-approved degree(s) in the discipline(s) of engineering; or
- (B) a supplementary experience record documenting at least 4 years of experience obtained under the supervision of a professional engineer in the discipline(s) of engineering and verified by at least one PE reference provider that has personal knowledge of the applicant's qualifying engineering experience; or
- (C) verification of successful passage of the examination (s) on the principles and practice of engineering in the discipline(s) of engineering.

## Plan Stamping § 475.18 A. 10

Signing, affixing the professional engineer's or land surveyor's seal, or permitting the professional engineer's or land surveyor's seal or signature to be affixed to any specifications, reports, drawings, plans, design information, construction documents, calculations, other documents, or revisions thereof, which have not been prepared by, or under the direct control and personal supervision of the professional engineer or land surveyor in responsible charge;



# Responsible Charge § 475.2

10. "Responsible charge" means direct control and personal supervision of engineering work or land surveying;

13. "Direct Control" and "personal supervision" whether used separately or together mean active and personal management of the firm's personnel and practice to maintain charge of, and **concurrent direction** over, **engineering** or land surveying **decisions** and the instruments of professional services to which the licensee affixes the seal, signature, and date;

# Rules of Practice

NSPE

## II. Rules of Practice

2.

c. Engineers may accept assignments and assume responsibility for coordination of an entire project and sign and seal the engineering documents for the entire project, provided that each technical segment is signed and sealed only by the qualified engineers who prepared the segment.

Board Rule 15-9-4

c. Licensees may accept assignments for coordination of an entire project, provided that each design segment is signed, dated, and sealed by a licensee competent to practice in the discipline(s) of engineering and in direct control and personal supervision of that design segment.

# Rules of Practice

## NSPE

### II. Rules of Practice

3.

a. 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.

## Board Rule 15-9-5

1.

Licenseses shall, to the best of their knowledge, include all relevant and pertinent information in an objective and truthful manner within all professional documents, statements and testimony.



# Rules of Practice

NSPE

## II. Rules of Practice

3.

b. Engineers may express publicly technical opinions that are founded upon knowledge of the facts and competence in the subject matter.

Board Rule 15-9-5

2.

Licensees shall express a professional opinion publicly only when that opinion is founded upon an adequate knowledge of the facts and a competent evaluation of the subject matter.

# Rules of Practice

## NSPE

### II. Rules of Practice

3.

c. Engineers shall issue no statements, criticisms, or arguments on technical matters that are inspired or paid for by interested parties, unless they have prefaced their comments by explicitly identifying the interested parties on whose behalf they are speaking, and by revealing the existence of any interest the engineers may have in the matters.

## Board Rule 15-9-5

3.

Licenseses shall issue no statements, criticisms or arguments on engineering and surveying matters which are inspired or paid for by interested parties, unless they explicitly identify the interested parties on whose behalf they are speaking, and reveal any interest they have in the matters.

# Rules of Practice

NSPE

## II. Rules of Practice

4.

Engineers shall act for each employer or client as faithful agents or trustees.

a. Engineers shall disclose all known or potential conflicts of interest that could influence or appear to influence their judgment or the quality of their services.

Board Rule 15-9-6

1.

Licenseses shall act in professional matters for each employer or client as faithful agents or trustees, and shall avoid conflicts of interest. (1) Licenseses shall make full prior disclosures to their employers or clients of all known or potential conflicts of interest or other circumstances which could influence or appear to influence their judgment or the quality of their services.

# Rules of Practice

NSPE

## II. Rules of Practice

4.

b. Engineers 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 and agreed to by all interested parties.

Board Rule 15-9-6

2.

Licenseses shall not accept compensation, financial or otherwise, from more than one party for services pertaining to the same project unless the circumstances are fully disclosed to, and agreed to, in writing by all parties who compensate the licensee. Compensation shall be deemed anything of value and shall not be limited to the payment of money

# Rules of Practice

NSPE

## II. Rules of Practice

4.

c. Engineers shall not solicit or accept financial or other valuable consideration, directly or indirectly, from outside agents in connection with the work for which they are responsible.

Board Rule

No corresponding board rule

# Rules of Practice

NSPE

## II. Rules of Practice

4.

d. Engineers in public service as members, advisors, or employees of a governmental or quasi-governmental body or department shall not participate in decisions with respect to services solicited or provided by them or their organizations in private or public engineering practice.

Board Rule 15-9-6

4.

Licenseses serving as members, advisors, or employees of a government body or department, who are the principals or employees of a private concern, shall not participate in decisions with respect to professional services offered or provided by said concern to the governmental body which they serve.

# Rules of Practice

NSPE

## II. Rules of Practice

4.

e. Engineers shall not solicit or accept a contract from a governmental body on which a principal or officer of their organization serves as a member.

Board Rule 15-9-4

4.

Licensees shall not solicit or accept a professional contract from a governmental body on which a principal or officer of their organization serves as a member

# Rules of Practice

## NSPE

### II. Rules of Practice

5.

a. 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.

## Board Rule 15-9-7

1.

Licenseses shall not falsify or permit misrepresentation of their, or their associates', academic or professional qualifications. They shall not misrepresent or exaggerate their degree of participation or responsibility in prior assignments nor the complexity of said assignments. Brochures or other presentations incident to the solicitation of employment or business shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures or past accomplishments.



# Rules of Practice

## NSPE

### II. Rules of Practice

5.

b. Engineers shall not offer, give, solicit, or receive, either directly or indirectly, any contribution to influence the award of a contract by public authority, or which may be reasonably construed by the public as having the effect or intent of influencing the awarding of a contract. They shall not offer any gift or other valuable consideration in order to secure work. They shall not pay a commission, percentage, or brokerage fee in order to secure work, except to a bona fide employee or bona fide established commercial or marketing agencies retained by them.

## Board Rule 15-9-7

2.

Licensees shall not offer, give, solicit or receive, either directly or indirectly, any commission, or gift, or other valuable consideration in order to secure work, and shall not make any political contribution with the intent to influence the award of a contract by public authority.

# Professional Obligations

NSPE

## III. Professional Obligations

1. Engineers shall be guided in all their relations by the highest standards of honesty and integrity.

a. Engineers shall acknowledge their errors and shall not distort or alter the facts.

Board Rule

- There is no corresponding board rule. Darn!

# Professional Obligations

NSPE

## III. Professional Obligations

2. Engineers shall at all times strive to serve the public interest.

e. Engineers shall continue their professional development throughout their careers and should keep current in their specialty fields by engaging in professional practice, participating in continuing education courses, reading in the technical literature, and attending professional meetings and seminars

Board Rule Section 15-11-5

d.

A licensee shall only renew their license when they can truthfully certify that they have met the continuing education requirements of this subchapter and have proper proof of completion of the required PDH's to which they are certifying.

# Professional Obligations

NSPE

## III. Professional Obligations

6.

Engineers shall not attempt to obtain employment or advancement or professional engagements by untruthfully criticizing other engineers, or by other improper or questionable methods.

Board Rule 15-15-3

a.

(a) The Professional Engineer or Land Surveyor shall not supplant, nor attempt to supplant, directly or indirectly, another Professional Engineer and/or Land Surveyor in a particular engineering or land surveying project. The furnishing of informative brochures on one's self or one's firm is not considered an attempt to supplant.

# Professional Obligations

NSPE

## III. Professional Obligations

6.

a. Engineers shall not request, propose, or accept a commission on a **contingent** basis under circumstances in which their judgment may be compromised

Board Rule 15-15-3

b.

(b) A Professional Engineer or Land Surveyor, acting individually or through a firm, shall neither request, propose, nor accept an agreement, contract or commission for professional services on a **“contingency basis”** unless there is a conflicting funding requirement. For the purpose of adjudging the provisions of this section, (continued)

# Professional Obligations

## NSPE

### III. Professional Obligations

6.

a. Engineers shall not request, propose, or accept a commission on a contingent basis under circumstances in which their judgment may be compromised

## Board Rule 15-15-3

b. (continued)

For the purpose of adjudging the provisions of this section, "Contingency basis" shall be interpreted only to include: (1) The preparation of preliminary reports and/or applications for funds, where the fee involved is to be paid only after such submission or approval, or the fee is substantially below the actual cost of performing the service, or (2) Reviewing for approval preliminary reports and/or applications for funds, where the fee involved is to be paid only after such submission or approval or the fee is substantially below the actual cost of performing the service.

It shall be unlawful to practice or to offer to practice engineering or land surveying in this state, or to use in connection with any name or otherwise assume or advertise any title or description **tending to convey the impression that any person is an engineer**, professional engineer, land surveyor or professional land surveyor, unless such person has been duly licensed.....Title 59 O.S. § 475.1

# Helpful Websites

[pels.ok.gov](http://pels.ok.gov)

Contains information about licensure, and the rules and laws affecting the practice of engineering in the state of Oklahoma.

[NSPE.org](http://NSPE.org)

Great information about engineering ethics and rules of professional conduct.

[niee.org/MurdoughCenter](http://niee.org/MurdoughCenter)

Texas Tech University College of Engineering site.



# Protection of the Public

