

Report on a Case by the Board of Ethical Review

Case No. 87-4

Gift—Sharing of Hotel Suite

Facts:

Engineer B is director of engineering with a large governmental agency that uses many engineering consultants. Engineer A is a principal in a large engineering firm that performs services for that agency. Both are members of an engineering society that is conducting a two-day seminar in a distant city. Both plan to attend the seminar and they agree to share costs of a two bedroom hotel suite in order to have better accommodations.

Question:

Was it ethical for Engineer A and B to share the hotel suite?

References:

Code of Ethics - Section II.4.a. - "Engineers shall disclose all known or potential conflicts of interest to their employers or clients by promptly informing them of any business association, interest, or other circumstances which could influence or appear to influence their judgment or the quality of their services."

Section II.5.b. - "Engineers shall not offer, give, solicit or receive, either directly or indirectly, any political contribution in an amount intended to influence the award of a contract by public authority, or which may be reasonably construed by the public of having the effect or intent to influence the award 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."

Section III.3. - "Engineers shall avoid all conductor practice which is likely to discredit the profession or deceive the public."

Discussion:

The ethical issues presented in this case relate more directly to questionable appearances than affirmative ethical wrongdoings or professional proprieties. We have here two engineers who appear to be attempting to economize on the costs of attending a professional seminar, at the same time seeking better accommodations. That certainly seems to be a worthy and prudent decision on the part of both.

Nevertheless, there are other aspects of this case that need to be examined because they raise sensitive appearance issues. The first and most obvious is the fact that Engineer A and Engineer B maintain a business relationship with each other. In addition, Engineer B employs the services of other engineering firms for his agency. It would seem

that Engineer B's agreeing to share a suite at a professional society meeting with Engineer A might suggest an entanglement of personal and professional relationships between the two in the eyes of other engineers who perform services for the agency. The time spent together would appear to give Engineer A a distinct advantage in future selections and negotiations.

Another dimension to this problem is the appearance that Engineer A is somehow "subsidizing" Engineer B's attendance at the meeting and thereby providing "valuable consideration" in violation of the Code (Section II.5.b.). Again, we note that there is nothing in the facts to suggest that Engineer A is attempting to "pick up the tab" for Engineer B. Rather, they indicate that both are seeking to jointly reduce seminar costs. However, as we have said on numerous occasions as in BER Cases 60-9, 76-6, 79-8, and 81-4, engineers need to be extremely sensitive to the charge that their conduct suggests neither favoritism nor bias for or against any particular party. Rather, they must be guided by objectivity and honesty, conducting their affairs to promote that view both in practice and appearance.

While it would seem on its face that neither Engineer A nor Engineer B is motivated by improper intentions in this case, we believe that the sharing agreement created an improper appearance under Section III.3. and Engineer B appears to be showing favoritism to Engineer A. We think this action is not within the spirit or intent of the Code.

Conclusion.*

It was unethical for Engineers A and B to agree to share a suite under the circumstances described.

*Note: This opinion is based on data submitted to the Board of Ethical Review and does not necessarily represent all of the pertinent facts when applied to a specific case. This opinion is for educational purposes only and should not be construed as expressing any opinion on the ethics of specific individuals. This opinion may be reprinted without further permission, provided that this statement is included before or after the text of the case.

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