

2015
NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS
MILTON F. LUNCH ETHICS CONTEST
(Fact Situation)

FACTS

A county Industrial Development Agency (IDA) and the county plan to jointly fund a site-development study for a proposed business/commerce park on two parcels behind the Mid-County Plaza. The county will take the lead on the project and contract with an engineering firm to perform the site-development study. The land is currently owned by XYZ Properties Inc. The IDA-County agreement stipulates that IDA and the county will each contribute \$50,000 for the project.

As project lead, the county is considering a proposal from ABC Engineering to perform services in connection with the project. Engineer A, an IDA board member and part owner of ABC Engineering, believes he has a conflict of interest due to IDA's involvement on the project and the fact that Engineer A's firm, ABC Engineering has previously done development work on the property for XYZ Properties. Engineer A indicates that since the county is the lead agency, he plans to recuse himself from discussions and decisions relating to the study. Engineer A also indicates that if IDA had been the lead agency, he would have resigned from the IDA. The county attorney indicates that since this is a contract between the county and the engineering firm, there is no need for Engineer A to resign.

QUESTION

Was Engineer A's decision to recuse himself from discussions and decisions relating to the jointly funded site-development study ethically sufficient under the circumstances?

NSPE CODE REFERENCES

(To be submitted by the contestant(s). Use [NSPE Code of Ethics](#) references only.)

DISCUSSION

(To be submitted by the contestant(s). Use the BER format as used in the attached sample case.)

CONCLUSION

(To be submitted by the contestant(s).)

NOTE: *In order to maintain anonymity for purposes of judging, the actual body of the entry should not include any reference to the state society, chapter, member, student, university, or any other individual group(s) who submitted the entry. However, be sure to provide the name(s), address(es), email address(es), phone number(s), and NSPE member number(s) of (1) your NSPE chapter or state society, and (2) each of the individual(s) responsible for submitting the entry, on a separate cover sheet accompanying your entry. Submissions failing to include this information will be returned to submitter(s) and will not be eligible for the contest.*