

II.3. - Code of Ethics: Engineers shall issue public statements only in an objective and truthful manner.

III.3.a. - Code of Ethics: Engineers shall avoid the use of statements containing a material misrepresentation of fact or omitting a material fact.

REFERENCE TO "MEMBER" OF PROFESSIONAL SOCIETY

FACTS:

Engineer A, an unlicensed engineer, interviews for a position at a university to serve as Director of Plant Operations. On Engineer A's resume, he lists his membership in several professional and technical organizations and notes that he is a "Member of the National Society of Professional Engineers (NSPE)," and also includes his membership number. He is, in fact, an "Associate Member" of the NSPE.

QUESTIONS:

1. Does Engineer A's reference that he is a "Member of the National Society of Professional Engineers" violate the Code of Ethics?
2. Does this reference imply that he is a licensed engineer?

DISCUSSION:

Over the years, the Board of Ethical Review has considered a number of cases involving the misrepresentation of professional credentials (see BER Cases 90-4, 91-9 and 83-1). Sometimes a misrepresentation of credentials can occur intentionally; other times, such a misrepresentation may be the result of negligence or oversight by the engineer. Only through an evaluation of the facts and circumstances involved can a reasonable conclusion be drawn as to the nature of the misrepresentation. The NSPE Code of Ethics addresses the issue of misrepresentation in a variety of contexts (see NSPE Code Sections II.3. and II.3.a.).

Misrepresentation of one's credentials is unfortunately a rather common problem in today's society. Exaggerated claims of success and achievement are increasingly heard by those who seek to market and sell their services. Individuals reviewing such claims must be vigilant and follow the venerable advice: "Caveat emptor," -- let the buyer beware.

Among the cases the Board has reviewed have included cases involving a misrepresentation of educational credentials and a misrepresentation of a firm's staff. In the latter case, case 90-4, the Board reviewed a situation involving a firm's distribution of

a brochure that included information about an employee who had earlier provided notice of her departure from the firm. In reviewing another case, BER Case 83-1, the Board noted that among the key considerations is whether it was the “intent and purpose” of the engineer to enhance the firm’s qualifications and work by engaging in the misrepresentation. In reviewing the issues involved, the Board concluded that because of the immediate logistical problems and the proximity of the brochure distribution and the engineer’s decision to depart from the firm, it was not unethical per se for the firm to continue to represent the engineer as an employee of the firm. However, at the same time, the Board made it abundantly clear that the firm should also take all reasonable steps to assure that its written material is as accurate and up-to-date as possible, and use errata sheets, cover letters, strikeouts or reprints as necessary to avoid any misunderstanding or confusion by clients or prospective clients.

Turning to the facts of this case, the term “member” is often regarded as a generic term for one who belongs to and pays dues to a professional society, trade association, or other organization. While distinctions among membership classes would provide the greatest degree of accuracy in all cases in order to avoid misunderstandings, it is not uncommon to see such distinctions dropped except when dealing administratively with the particular organization involved. Therefore, it may be argued that it is not entirely reasonable to conclude that the use of the term “Member” (as opposed to “Associate Member”) indicates a specific intent to mislead the public into believing that an individual is a licensed professional engineer.

At the same time, it is reasonable to draw the conclusion that an unlicensed individual who joins the National Society of Professional Engineers as an Associate Member should understand the nature and character of the organization and be sensitive to the issue of engineering licensure. On that basis, such an individual should be capable of appreciating the fact that it would be reasonable for the public to infer that an individual who indicates that he or she is a “Member of the National Society of Professional Engineers” is a “Professional Engineer.” Individuals in presenting their qualifications should “bend over backwards” to be precise and accurate in all their statements.

In addition, we are also troubled by the use of the membership number in the manner indicated. Combined with the use of the term “Member,” we are concerned that unwary individuals not entirely familiar with the engineering licensure process and its requirement to be licensed under state law could conclude that the number indicated had some relationship to engineering licensure.

CONCLUSIONS:

Engineer A’s reference that he is a “Member of the National Society of Professional Engineers” violates the Code of Ethics in that the prospective employer may be misled as to his status and qualifications. Furthermore, his reference could imply that he is a licensed professional engineer.

BOARD OF ETHICAL REVIEW

James G. Fuller, P.E.
William W. Middleton, P.E.
Robert L. Nichols, P.E.
William E. Norris, P.E.
Paul E. Pritzker, P.E.
Jimmy H. Smith, P.E.

C. Allen Wortley, P.E. (Observer)

Donald L. Hiatte, P.E., Chairman

- * Note -- In regard to the question of application of the Code to corporations vis-a-vis real persons, business form or type should not negate nor influence conformance of individuals to the Code. The Code deals with professional services, which services must be performed by real persons. Real persons in turn establish and implement policies within business structures. The Code is clearly written to apply to the Engineer and it is incumbent on a member of NSPE to endeavor to live up to its provisions. This applies to all pertinent sections of the Code.