

The 2004 NSPE Milton F. Lunch Ethics Contest

Facts

Engineer A is a professional engineer and applies for a professional engineering position with an engineering firm. Previously, Engineer A was the owner of a fire sprinkler contracting firm which was required to have a contractor's license. On the engineering firm employment application, there is a question asking whether the engineer "has ever been disciplined in the practice of professional engineering or had his license suspended or revoked?" Engineer A responds in the negative on the employment application. Later, the engineering firm learns that while Engineer A's engineering license was never revoked or suspended, Engineer A has his contractor's license revoked because he allowed an unlicensed individual who was unrelated to his contracting firm to use the contractor license number on another project.

Question

Did Engineer A have an ethical obligation to report on the employment application the revocation of his contractor's license?

References

Code of Ethics--Preamble

As members of this profession, engineers are expected to exhibit the highest standards of honesty and integrity...the services provided by engineers require honesty, impartiality, fairness, and equity...Engineers must perform under a standard of professional behavior that requires adherence to the highest principles of ethical conduct.

Code of Ethics—applicable Sections

I. Fundamental Canons

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

5. Avoid deceptive acts.
6. Conduct themselves honorably, responsibly, ethically, and lawfully so as to enhance the honor, reputation, and usefulness of the profession.

II. Rules of Practice

7. Engineers shall avoid deceptive acts.

III. Professional Obligations

1. Engineers shall be guided in all their relations by the highest standards of honesty and integrity.
3. Engineers shall avoid all conduct or practice that deceives the public.
 - a. Engineers shall avoid the use of statements containing a material misrepresentation of fact or omitting a material fact.

Discussion

The thread of honesty is clearly evident, and rightly so, throughout the NSPE Code of Ethics. From the Preamble to Fundamental Canons to the Rules of Practice to the Professional Obligations, a professional engineer must first and foremost be a person of integrity. The reason is very simple. Without honesty and integrity there can be no trust. Professional engineers have a calling to maintain the trust given to them by their employers, their clients, and the public. The Code not only requires such honesty, but makes it very clear that engineers are expected to adhere to the “highest” standards and “highest” principles.

On the surface Engineer A answered his employment application honestly and correctly. His engineering license truthfully had never been revoked. However, based on the facts as stated in this case, Engineer A had never mentioned to his employer at any time that he had his contractor’s license revoked. It was discovered later by the employer. The employer’s response is not mentioned but it would not be unusual to think that it would range from anger to disappointment. An employer could not help but think that, if Engineer A kept this matter a secret, what else might he or she have omitted. It is not known why Engineer A allowed his license to be used unlawfully. At best it shows poor judgment, and the employer should know about it before hiring Engineer A. But there is a yet another good reason that the employer should know about the licensing incident. It is because it is relevant to Engineer A's job with the company. Such an indiscretion could be made again by Engineer A if not addressed. If a similar error in judgment were made while in the employ of this company, the employer would face the consequences as much as Engineer A. Engineer A has a moral and ethical obligation to his employer to maintain the highest standard of honesty and trust from the very beginning.

This case boils down to a matter of trust, which is essential to any working relationship. The Code, Section III.3, is again clear that engineers shall be guided by the “highest” standards of honesty and integrity in all relations. The highest standard would require Engineer A to be forthright with his employer when interviewed if not on the written application. When information is withheld, the employer is left to wonder if Engineer A did so with deceptive motives. The Code, in Sections II.5 and III.3, requires engineers to “avoid” conduct that is deceptive. Section III.3.a states that omission of facts is as much related to deception as the misrepresentation of facts. Even though this refers to deceiving the public, it reveals a character flaw that could eventually show up with respect to a project involving the public. If Engineer A had shared the information up front, there would be no question about an attempt to deceive, and the honor and integrity of Engineer A would have been enhanced, as the Code, Section I.6 lists as a fundamental canon. In contrast, Engineer A has hurt his own reputation and that of the engineering profession.

Conclusion

It was ethical for Engineer A to correctly answer a direct question on a written job application. It was unethical for Engineer A to deliberately withhold relevant information having to do with his contractor’s license during the entire job application process. Engineer A violated the basic law of trust and integrity with his employer, thus violating both the letter and spirit of the Code.