Fishing for Ethics

TEAM Annual Conference

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Kevin C. Skibiski, PE, SE, PLS

Retired Consulting Engineer

Chair - Engineering Division

Missouri Board of Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects

The views expressed in this presentation my personal opinions and do not represent the opinions or views of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects.

State Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects

327.031 Board Established

- Licensure of Architects and Professional Engineers was established by the Missouri Legislature in 1941.

- The Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects is now part of the Division of Professional Registration, within the Department of Insurance, Financial Institutions, and Professional Registration.

327.031 Board Established

1. The "Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects" is hereby established and shall consist of fifteen members: a chairperson, who may be either an architect, a professional engineer, a professional land surveyor, or a professional landscape architect; three architects, who shall constitute the architectural division of the board; four professional engineers, who shall constitute its professional engineering division; three professional land surveyors, who shall constitute its professional land surveying division; three professional landscape architects, who shall constitute its professional landscape architectural division; and a voting public member.

Robert N. Hartnett, PLA
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Kevin C. Skibiski, PE, SE, PLS
Division Chair

Michael C. Freeman, PLS
Division Chair

Robert S. "Bob" Shotts, PLA, PLS
Division Chair

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Division Chair

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Public Member

Michael L. Popp, AIA, CSI*

Craig M. Lucas, PE, CCM

Eric D. Davis, Jr., PLA

Today we will cover:

1. The definition of ethics and ethical conduct.
2. Engineering Ethics
3. Break
4. Missouri Statutes and Rules
5. Examples of complaints to APEPLSPLA
6. Ethics of Fishing

Part 1

The definition of ethics and ethical conduct


RIGHT
IT DEPENDS
WRONG

Ethics

Engineering is not just applying scientific laws and principles to technical problems. It is basically concerned with improving the lot of society.

Ethics

“moral principles”

“right and wrong”

“good and bad”

“does the end justify the means?”

Ethics

Dictionary.com

- **A system of moral principles**
- **The rules of conduct recognized in respect to a particular class of human actions or a particular group, culture, etc.**

Ethics

Dictionary.com

- **Moral principles, as of an individual**
- **That branch of philosophy dealing with values relating to human conduct, with respect to the rightness and wrongness of certain actions and to the goodness and badness of the motives and ends of such actions**

Ethics

Merriam-Webster

- **A guiding philosophy**

The Free Dictionary

- **The rules or standards governing the conduct of a person or members of a profession**

Ethics

is not something you learn in school or on the job after graduation.

Ethics

I believe you are molded early in life by those closest to you, and that ethics is part of your moral fiber.

Ethics

This is not to say you cannot make, or be enticed to make, poor decisions later in life.

Ethics

Those situations happen to all of us, but it is how we react that sets us apart.

Ethics

How ethical are engineers?

How are we perceived?

Ethics

Gallup Poll on Honesty/Ethics in Professions

(revised per latest polls 2015-2017, must have multiple years on poll and latest numbers must be no more than 5 years old)

Ethics

Lobbyists	**8%**

Ethics

Lobbyists	8%
Telemarketers	8%

Ethics

Lobbyists	8%
Telemarketers	8%
Car Salespeople	10%

Ethics

Lobbyists	8%
Telemarketers	8%
Car Salespeople	10%
Members of Congress	11%

Ethics

Lobbyists	8%
Telemarketers	8%
Car Salespeople	10%
Members of Congress	11%
Insurance Salespeople	12%

Ethics

Lobbyists	8%
Telemarketers	8%
Car Salespeople	10%
Members of Congress	11%
Insurance Salespeople	12%
Advertising Practitioners	12%

Ethics

Lobbyists	8%
Telemarketers	8%
Car Salespeople	10%
Members of Congress	11%
Insurance Salespeople	12%
Advertising Practitioners	12%
Stockbrokers	12%

Ethics

Senators **12%**

Ethics

Senators	12%
Business Executives	16%

Ethics

Senators	12%
Business Executives	16%
Labor Union Leaders	18%

Ethics

Senators	12%
Business Executives	16%
Labor Union Leaders	18%
Lawyers	18%

Ethics

Senators	12%
Business Executives	16%
Labor Union Leaders	18%
Lawyers	18%
State Governors	18%

Ethics

Senators	12%
Business Executives	16%
Labor Union Leaders	18%
Lawyers	18%
State Governors	18%
State Officeholders	19%

Ethics

Senators	12%
Business Executives	16%
Labor Union Leaders	18%
Lawyers	18%
State Governors	18%
State Officeholders	19%
Real Estate Agents	20%

Ethics

TV Reporters **23%**

Ethics

TV Reporters	23%
Journalists	23%

Ethics

TV Reporters	23%
Journalists	23%
Local Officeholders	24%

Ethics

TV Reporters	23%
Journalists	23%
Local Officeholders	24%
Building Contractors	25%

Ethics

TV Reporters	23%
Journalists	23%
Local Officeholders	24%
Building Contractors	25%
Newspaper Reporters	25%

Ethics

TV Reporters	23%
Journalists	23%
Local Officeholders	24%
Building Contractors	25%
Newspaper Reporters	25%
Bankers	25%

Ethics

TV Reporters	23%
Journalists	23%
Local Officeholders	24%
Building Contractors	25%
Newspaper Reporters	25%
Bankers	25%
Nursing Home Operators	26%

Ethics

Auto Mechanics	**32%**

Ethics

Auto Mechanics	32%
Psychiatrists	38%

Ethics

Auto Mechanics	32%
Psychiatrists	38%
Chiropractors	38%

Ethics

Auto Mechanics	32%
Psychiatrists	38%
Chiropractors	38%
Accountants	39%

Ethics

Auto Mechanics	32%
Psychiatrists	38%
Chiropractors	38%
Accountants	39%
Clergy	42%

Ethics

Auto Mechanics	32%
Psychiatrists	38%
Chiropractors	38%
Accountants	39%
Clergy	42%
Judges	43%

Ethics

Auto Mechanics	32%
Psychiatrists	38%
Chiropractors	38%
Accountants	39%
Clergy	42%
Judges	43%
Funeral Directors	44%

Ethics

Day Care Providers **46%**

Ethics

Day Care Providers	46%
College Teachers	47%

Ethics

Day Care Providers	46%
College Teachers	47%
Police Officers	56%

Ethics

Day Care Providers	46%
College Teachers	47%
Police Officers	56%
Dentists	59%

Ethics

Day Care Providers	46%
College Teachers	47%
Police Officers	56%
Dentists	59%
High School Teachers	60%

Ethics

Day Care Providers	46%
College Teachers	47%
Police Officers	56%
Dentists	59%
High School Teachers	60%
Pharmacists	62%

Ethics

Day Care Providers	46%
College Teachers	47%
Police Officers	56%
Dentists	59%
High School Teachers	60%
Pharmacists	62%
Medical Doctors	65%

Ethics

Engineers 65%

Ethics

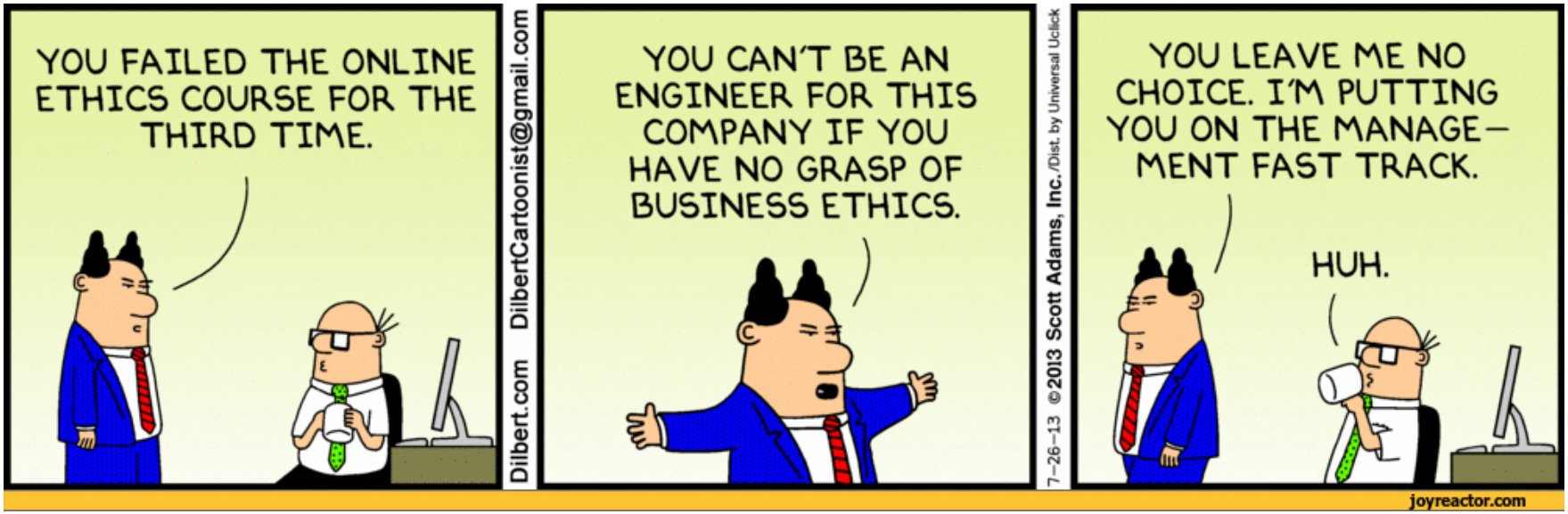
Engineers	65%
Grade School Teachers	66%

Ethics

Engineers	65%
Grade School Teachers	66%
Military Officers	71%

Ethics

Engineers	65%
Grade School Teachers	66%
Military Officers	71%
Nurses	82%


YOU FAILED THE ONLINE ETHICS COURSE FOR THE THIRD TIME.
Dilbert.com DilbertCartoonist@gmail.com
YOU CAN'T BE AN ENGINEER FOR THIS COMPANY IF YOU HAVE NO GRASP OF BUSINESS ETHICS.
7-26-13 ©2013 Scott Adams, Inc./Dist. by Universal Uclick
YOU LEAVE ME NO CHOICE. I'M PUTTING YOU ON THE MANAGE-MENT FAST TRACK.
HUH.
joyreactor.com

Ethical Conduct

Ethical Conduct

An important ethical standard is the use of codes, rules, guidelines and other systems that attempt to identify certain behaviors or means which are in themselves unethical.

Ethical Conduct

These culturally designed and promulgated codes of conduct or ethical systems generally provide lists of what things one should do and not do.

Ethical Conduct

They range from very general, such as the *Ten Commandments*, to professionally or organizationally specific, like a legal code of ethics or a company code of conduct.

Ethical Conduct

Most of these rules are designed to create fairness and equity, respect for others, and systems of non-discrimination.

They also function to balance power and protect the powerless.

Ethical Conduct

The whole idea of ethics as a disciplined inquiry into the principles of correct moral decision-making and best ways of life has been supplanted by "ethics" as a code of conduct with specific rules or political content.

Ethical Conduct

can be defined as being in accordance with the rules or standards for right conduct or practice, especially the standards of a profession.

As engineers we have certain characteristics that are common with all professions.

Characteristics of a Profession

1. Skill based on theoretical knowledge

Characteristics of a Profession

1. Skill based on theoretical knowledge
2. Professional association

Characteristics of a Profession

1. Skill based on theoretical knowledge
2. Professional association
3. Extensive period of education

Characteristics of a Profession

1. Skill based on theoretical knowledge
2. Professional association
3. Extensive period of education
4. Testing of competence

Characteristics of a Profession

5. Institutional training

Characteristics of a Profession

5. Institutional training
6. Licensed practitioners

Characteristics of a Profession

5. Institutional training
6. Licensed practitioners
7. Code of professional conduct or ethics

Characteristics of a Profession

5. Institutional training
6. Licensed practitioners
7. Code of professional conduct or ethics
8. Public service

Moral Dilemmas

- **The problem with vagueness.**

- **The problem with conflicting reasons.** **You may be unable to choose between two good moral solutions. You have to assign priority, through knowledge or your value system.**

- **The problem with disagreement.**
  There may be two or more solutions, each of which have merits, but not in all aspects. You have to interpret, apply different moral reasons, and analyze and rank the decisions. Select the best suitable, under existing and most probable conditions.

Chemical Plant Dilemma

On a midnight shift, a botched solution of sodium cyanide is temporarily stored in drums for reprocessing.

Two weeks later, the day shift foreman cannot find the drums.

Chemical Plant Dilemma

Roy, the Plant Manager, finds out that the botched drums had been illegally dumped into the sanitary sewer.

He severely disciplines the night shift foreman.

Chemical Plant Dilemma

Upon making discrete inquiries, he finds out that no apparent harm has resulted from the dumping. (Martin and Schinzinger, pg 32)

Should Roy inform government authorities, as is required by law in this kind of situation?

Moral Values

Moral values take many forms, including:

- **Responsibilities**
- **Ideal character traits**
- **Social policies**
- **Relationships desirable for individuals**
- **Corporation engaged in technological development**

Common Ethical Dilemmas Facing Engineers

Common Ethical Dilemmas Facing Engineers

School

1. **Cheating**

Common Ethical Dilemmas Facing Engineers

School

1. **Cheating**
2. **Copy someone's homework**

Common Ethical Dilemmas Facing Engineers

School

1. **Cheating**
2. **Copy someone's homework**
3. **Provide homework to be copied**

Common Ethical Dilemmas Facing Engineers

School

1. **Cheating**
2. **Copy someone's homework**
3. **Provide homework to be copied**
4. **Plagiarism**

Common Ethical Dilemmas Facing Engineers

School

1. **Cheating**
2. **Copy someone's homework**
3. **Provide homework to be copied**
4. **Plagiarism**
5. **Taking a test for someone else**

Common Ethical Dilemmas Facing Engineers

Work

1. **Using office phone, computer, copier, etc. for personal business**

Common Ethical Dilemmas Facing Engineers

Work

1. **Using office phone, computer, copier, etc. for personal business**
2. **Calling in sick**

Common Ethical Dilemmas Facing Engineers

Work

1. **Using office phone, computer, copier, etc. for personal business**
2. **Calling in sick**
3. **Coming in late**

Common Ethical Dilemmas Facing Engineers

Work

1. **Using office phone, computer, copier, etc. for personal business**
2. **Calling in sick**
3. **Coming in late**
4. **Leaving early**

Common Ethical Dilemmas Facing Engineers

5. **Substance abuse**

Common Ethical Dilemmas Facing Engineers

5. Substance abuse
6. False timesheets

Common Ethical Dilemmas Facing Engineers

5. Substance abuse
6. False timesheets
7. Shifting time to a project with budget

Common Ethical Dilemmas Facing Engineers

5. Substance abuse
6. False timesheets
7. Shifting time to a project with budget
8. Charging clients for work not performed

Common Ethical Dilemmas Facing Engineers

5. Substance abuse
6. False timesheets
7. Shifting time to a project with budget
8. Charging clients for work not performed
9. Software piracy

Common Ethical Dilemmas Facing Engineers

10. Having vendor design project

Common Ethical Dilemmas Facing Engineers

10. Having vendor design project
11. Bribery

Common Ethical Dilemmas Facing Engineers

10. Having vendor design project
11. Bribery
12. Manipulation of contracts

Common Ethical Dilemmas Facing Engineers

10. Having vendor design project
11. Bribery
12. Manipulation of contracts
13. Destroying or damaging files

Common Ethical Dilemmas Facing Engineers

10. Having vendor design project
11. Bribery
12. Manipulation of contracts
13. Destroying or damaging files
14. Stealing equipment

Part 2
Engineering Ethics

What are engineering ethics?

Engineering Ethics

is the study of moral values, issues and decisions involved in engineering practice.

Engineering Ethics

is also the field of applied ethics and system of moral principals that apply to the practice of engineering.

Engineering Ethics

The field examines and sets the obligations by engineers to society, to their clients, and to the profession.

Engineering Ethics

is not only teaching moral behavior, but also increasing the ability of engineers and other professionals to boldly face the moral problems arising from technological advancements, changes and other related activities.

Engineering Ethics

Driverless Vehicles

- Artificial intelligence
- GPS accuracy
- Data ownership
- Vehicle connectivity
- Cyber security
- Ethical decision making

Engineering Ethics

Engineering rose as a distinct profession in the 19th century, and engineers saw themselves as either independent professional practitioners or technical employees of large enterprises.

Engineering Ethics

Growing professionalism gave rise to the development of engineering societies:

The American Society of Civil Engineers (ASCE) (1851)

The American Institute of Electrical Engineers (AIEE) (1884)

Engineering Ethics

The American Society of Mechanical Engineers (ASME) (1880)

The American Institute of Mining Engineers (AIME) (1871)

Engineering Ethics

ASCE and AIEE were more closely identified with the engineer as a learned professional;

ASME and AIME identified with a view that the engineer was a technical employee.

Engineering Ethics

At that time ethics was viewed as a personal rather than a broad professional concern.

Engineering Ethics

Late in the 19th and early 20th centuries, several significant structural (bridge) failures occurred, forcing the profession to confront shortcomings in technical and construction practice, as well as ethical standards.

Engineering Ethics

One response was the development of formal codes of ethics. ASCE did so in 1914.

Engineering Ethics

One response was the development of formal codes of ethics. ASCE did so in 1914.

It also led to requiring formal credentials for engineers, the beginning of professional licensure.

Engineering Ethics

In 1946 the National Society of Professional Engineers (NSPE) released its Canons of Ethics for Engineers and Rules of Professional Conduct, which evolved into the current Code of Ethics for Engineers.

Code of ethics

NSPE Code of Ethics for Engineers

Preamble

Engineering is an important and learned profession.

NSPE Code of Ethics for Engineers

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.

NSPE Code of Ethics for Engineers

Engineers must perform under a standard of professional behavior that requires adherence to the highest principles of ethical conduct.

Rules of Practice

Rules of Practice

1. Engineers shall hold paramount the safety, health, and welfare of the public.

Rules of Practice

2. Engineers shall perform services only in the areas of their competence.

Rules of Practice

3. Engineers shall issue public statements only in an objective and truthful way.

Rules of Practice

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

Rules of Practice

5. Engineers shall avoid deceptive acts.

NSPE Code of Ethics for Engineers

Professional Obligations

Professional Obligations

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

Professional Obligations

a. Acknowledge errors, do not distort facts
b. Outside employment
c. Stealing employees
d. Promote self-interest

Professional Obligations

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

Professional Obligations

a. Public service
b. Conform to standards
c. Sustainable development

Professional Obligations

3. Engineers shall avoid all conduct or practice that deceives the public.

Professional Obligations

a. **Misrepresentation or omitting facts**

Professional Obligations

4. Engineers shall not disclose, without consent, confidential information concerning the business affairs or technical processes of any present or former client or employer, or public body on which they serve.

Professional Obligations

a. Seek employment from another entity when having particular knowledge

b. Take adversarial role in a specific project against a former client or employer

Professional Obligations

5. Engineers shall not be influenced in their professional duties by conflicting interests.

Professional Obligations

a. Free design from material or equipment suppliers
b. Commissions or allowances from contractors

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.

Professional Obligations

a. Bribes
b. Full time employee accepting part-time work
c. Use company equipment for outside private practice.

Professional Obligations

7. Engineers shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other engineers.

Professional Obligations

Engineers who believe others are guilty of unethical or illegal practice shall present such information to the proper authority for action.

Whistle blowing

NSPE Code of Ethics for Engineers

Whistle Blowing

No topic in Engineering Ethics is more controversial than "whistle blowing"

NSPE Code of Ethics for Engineers

Whistle Blowing

“Whistle blowing” is the act of a man or woman who, believing that the public interest overrides the interest of the organization he/she serves, publicly “blows the whistle” if the organization is involved in corrupt, illegal, or harmful activity.

NSPE Code of Ethics for Engineers

Whistle Blowing

The role of the professional engineer is to provide reliable information to both sides of an issue/development.

This can be at great personal consequences, including loss of a job.

Whistle Blowing

Personal factors that inhibit speaking up include:

- **Fear of reprisal/retaliation.**

Whistle Blowing

Personal factors that inhibit speaking up include:

- **Fear of reprisal/retaliation**
- **Concern that nothing will be done.**

Whistle Blowing

Personal factors that inhibit speaking up include:

- **Fear of reprisal/retaliation**
- **Concern that nothing will be done**
- **Lack of self efficacy (the idea that one has the confidence/ability to speak up)**

Whistle Blowing

Personal factors that inhibit speaking up include:

- **Fear of reprisal/retaliation**
- **Concern that nothing will be done**
- **Lack of self efficacy (the idea that one has the confidence/ability to speak up)**
- **Lack of awareness that the behavior is wrong.**

Whistle Blowing

Steps to properly "blow the whistle":

- **Harm to the public must be serious and considerable**

Whistle Blowing

Steps to properly "blow the whistle":

- **Harm to the public must be serious and considerable**
- **Superiors must have been made know of the situation**

NSPE Code of Ethics for Engineers

Whistle Blowing

Steps to properly "blow the whistle":

- **Harm to the public must be serious and considerable**
- **Superiors must have been made know of the situation**
- **If any proper response is not received, one must exhaust channels within the organization**

Whistle Blowing

- **Must have documented evidence that would convince a reasonable and impartial observer that your view of the situation is correct**

NSPE Code of Ethics for Engineers

Whistle Blowing

- Must have documented evidence that would convince a reasonable and impartial observer that your view of the situation is correct
- There must be strong evidence that making the information public will, in fact, prevent the threatened serious harm

Whistle Blowing

- In many cases the duty can be discharged by advising the client of the consequences in a forthright manner, and assuring the client takes your advice

Whistle Blowing

- **The engineer must ensure that the remedial steps are taken; and if they are not, the situation must be reported as previously described.**

Professional Obligations

8. Engineers shall accept personal responsibility for their professional activities, provided, however, that engineers may seek indemnification for services arising out of their practice for other than gross negligence, where the engineer's interest cannot be otherwise protected.

Professional Obligations

a. Conform to state registration laws

b. “cloak” unethical acts

Professional Obligations

9. Engineers shall give credit for engineering work to those to whom credit is due, and will recognize the proprietary interests of others.

Professional Obligations

a. Name responsible PE
b. Duplicating client supplied designs
c. Ownership of documents
d. Continue professional development

Break Number 1

Part 3

Missouri Statutes and Rules

Missouri Revised Statutes
Chapter 327

327.011 Definitions

(9) "Incidental Practice" **- the performance of other professional services licensed under Chapter 327 that are related to a licensee's professional service; but are secondary and substantially less in scope and magnitude when compared to the professional services usually and normally performed by the licensee practicing in their licensed profession.**

This incidental professional service shall be safely and competently performed by the licensee without jeopardizing the health, safety and welfare of the public. The licensee shall be qualified by education, training, and experience, as determined by the Board and in Sections 327.091, 327.181, 327.272, and 327.600, RSMo and applicable board rules to perform such incidental professional service.

20 CSR 2030-2.010
Code of Professional Conduct

20 CSR 2030-2.010
Code of Professional Conduct

This rule establishes a professional code of conduct for architects, professional engineers, professional land surveyors, and professional landscape architects.

20 CSR 2030-2.010
Code of Professional Conduct

These rules of professional conduct are binding for every licensee.

20 CSR 2030-2.010
Code of Professional Conduct

These rules of professional conduct are binding for every licensee.

The rules of professional conduct will be enforced under the powers vested in the Board.

20 CSR 2030-2.010
Code of Professional Conduct

Any act or practice found to be in violation of these rules of professional conduct will be grounds for a complaint to be filed with the Administrative Hearing Commission.

20 CSR 2030-2.010
Code of Professional Conduct

In the performance of professional services, licensees shall be cognizant that their primary responsibility is to the public, and this shall not be compromised by any self-interest of the client or the licensee.

20 CSR 2030-2.010
Code of Professional Conduct

Licensees shall undertake to perform services only when they are qualified by education, training, and experience in the specific technical areas involved.

20 CSR 2030-2.010
Code of Professional Conduct

Licensees shall comply with federal, state and municipal laws, codes and ordinances.

20 CSR 2030-2.010
Code of Professional Conduct

Licensees shall recognize at all times that their primary obligation is to protect the safety, health, property or welfare of the public.

20 CSR 2030-2.010
Code of Professional Conduct

Licensees shall truthfully and accurately represent to others the extent of their education, training, experience and professional qualifications.

20 CSR 2030-2.010
Code of Professional Conduct

Licensees shall make full disclosure to their employers or clients of potential conflicts of interest, or other circumstances which could influence their judgment on significant issues or the unbiased quality of their services.

20 CSR 2030-2.010
Code of Professional Conduct

Licensees shall not attempt to injure the professional reputation, prospects of practice or employment of other licensees in a malicious, or false manner.

20 CSR 2030-2.010
Code of Professional Conduct

Licensees shall not reveal confidential, proprietary or privileged facts or data without the prior consent of the client or employer except as authorized or required by law or rules of the Board.

20 CSR 2030-2.010
Code of Professional Conduct

Licensees having knowledge of any alleged violation of this Code shall cooperate with the proper authorities in furnishing information or assistance as may be required.

Texas Tech University

Murdough Center for Engineering Professionalism/National Institute for Engineering Ethics

Part 5

Examples of Complaints to APEPLSPLA

The outcomes of cases in which discipline is given are public information, and are published on the Board website and in the newsletter.

Complaint cases and the details of those cases and details of discipline hearings are generally closed files. Names have been deleted to protect me. I will share as much as I can in order to define the ethics violation.

Violations and Penalties

327.441 Denial, Revocation or Suspension of License

1. The board may refuse to issue any license or certificate of authority . . . for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621.

327.441 Denial, Revocation or Suspension of License

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any license or certificate of authority required by this chapter or any person who has failed to renew or has surrendered such person's license or certificate of authority, for any one or any combination of the following causes:

327.441 Denial, Revocation or Suspension of License

(1) Use of any controlled substance, as defined in Chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

327.441 Denial, Revocation or Suspension of License

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States. . . for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, *whether or not sentence is imposed*;

327.441 Denial, Revocation or Suspension of License

(3) Use of fraud, deception, misrepresentation or bribery in securing any license or certificate of authority issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

327.441 Denial, Revocation or Suspension of License

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

327.441 Denial, Revocation or Suspension of License

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;

(7) Impersonation of any person holding a license or certificate of authority, or allowing any person to use his or her license or certificate of authority, or diploma from any school;

327.441 Denial, Revocation or Suspension of License

(8) Disciplinary action against the holder of a license or a certificate of authority . . . granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) A person is finally adjudged incapacitated or disabled by a court of competent jurisdiction;

327.441 Denial, Revocation or Suspension of License

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not licensed and currently eligible to practice pursuant to this chapter;

(11) Issuance of a professional license or a certificate of authority based upon a material mistake of fact;

327.441 Denial, Revocation or Suspension of License

(12) Failure to display a valid license or certificate of authority if so required by this chapter or any rule promulgated pursuant to this chapter;

(13) Violation of any professional trust or confidence;

327.441 Denial, Revocation or Suspension of License

(14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed.

327.441 Denial, Revocation or Suspension of License

3. . . . Upon a finding by the administrative hearing commission that the grounds . . . for disciplinary action are met, the board may . . .censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years,

327.441 Denial, Revocation or Suspension of License

or may suspend, for a period not to exceed three years, or order a civil penalty under section 327.077, or revoke the license or certificate of authority of the person named in the complaint.

No. 1 Ethics Violation

Certificate of Authority

No. 1 Ethics Violation

Certificate of Authority

Unlicensed practice of engineering by a Corporation or LLC (327.401)

No. 1 Ethics Violation

Certificate of Authority

Unlicensed practice of engineering by a Corporation or LLC (327.401)

20 CSR 2030-2.010 (5) and (7) – comply with state laws and shall not assist non-licensees in unlawful practice

No. 1 Ethics Violation

Certificate of Authority

Penalty

Self reporting – issued a probated Certificate of Authority with a Civil Penalty of past fees due.

No. 1 Ethics Violation

Certificate of Authority

Penalty

Self reporting – issued a probated Certificate of Authority with a Civil Penalty of past fees due.

Discovered while under investigation of other complaints – Civil Penalty of past fees due X 2

No. 1 Ethics Violation

Certificate of Authority

Missouri

OK to solicit work without a C of A

No. 1 Ethics Violation

Certificate of Authority

Missouri

OK to solicit work without a C of A

Oklahoma

C of A required to solicit work

No. 2 Ethics Violation

License Renewal

Have you been finally adjudicated and found guilty, or entered a plea or nolo contendere, in a criminal prosecution under the laws of this or any other state or of the United States whether or not sentence was imposed including suspended imposition of sentence, suspended execution of sentence and misdemeanor charges that you have not previously disclosed to this Board?

In any other licensing jurisdiction, have you been the subject of disciplinary action, or entered into any type of settlement agreement, providing for any limitation on your ability to practice, or monetary penalty or payment of costs that you have not previously disclosed to this Board?

No. 2 Ethics Violation

License Renewal

Online renewal means checking a box yes or no.

No. 2 Ethics Violation

License Renewal

Online renewal means checking a box yes or no.

DO NOT CHECK NO IF THE ANSWER IS YES.

No. 2 Ethics Violation

License Renewal

Online renewal means checking a box yes or no.

DO NOT CHECK NO IF THE ANSWER IS YES.

We will find out through NCEES enforcement lists.

No. 2 Ethics Violation

License Renewal

YES

No. 2 Ethics Violation

License Renewal

YES – Depending upon the crime, 327.441.2(2) is enforced; 327.441.2(8) is enforced for discipline in another jurisdiction.

No. 2 Ethics Violation

License Renewal

YES – Depending upon the crime, 327.441.2(2) is enforced; 327.441.2(8) is enforced for discipline in another jurisdiction.

90% are issued only a notification letter.

No. 2 Ethics Violation

License Renewal

NO but the truth is YES

No. 2 Ethics Violation

License Renewal

NO but the truth is YES

Everything above holds true PLUS

No. 2 Ethics Violation

License Renewal

NO but the truth is YES

Everything above holds true PLUS

Misrepresentation/fraud, violation of 327.442.2(4,5) and

20 CSR 2030-2.010(3)

No. 2 Ethics Violation

License Renewal

NO but the truth is YES

Everything above holds true PLUS

Misrepresentation/fraud, violation of 327.442.2(4,5) and

20 CSR 2030-2.010(3)

90% get disciplined with 1 year Probation of License

No. 2 Ethics Violation

License Renewal

LWB, PE

No. 2 Ethics Violation

License Renewal

LWB, PE

LWB notified the Board he had pled guilty to a Federal offense involving bribery in his role as Design Engineering Manager for the Public Works Department of a large city in Oklahoma.

No. 2 Ethics Violation

License Renewal

LWB, PE

LWB was sentenced to 44 months in Federal prison and ordered to pay $134,000 restoration of funds to the City.

No. 2 Ethics Violation

License Renewal

LWB, PE

LWB's Missouri PE license was REVOKED.

No. 2 Ethics Violation

License Renewal

LWB, PE

My friend and the Assistant Executive Director and Director of Enforcement for the Oklahoma Board, Bruce A. Pitts, PLS wrote about this case.

No. 2 Ethics Violation

License Renewal

LWB, PE

In his article he described the individual's attorney explaining his client had "lost his moral compass", his sense of right and wrong.

No. 2 Ethics Violation

License Renewal

LWB, PE

Bruce writes “It has taken generations for professional engineers and professional land surveyors to create the level of public trust that they have been afforded.

No. 2 Ethics Violation

License Renewal

LWB, PE

Unfortunately, years of competent and ethical conduct can be destroyed very quickly by one unethical decision.”

Recent Felony Convictions Reviewed by the Board

Moral Turpitude (involving minor children)

Moral Turpitude (involving minor children)

Financial Fraud

Moral Turpitude (involving minor children)

Financial Fraud

Felony DWI and Controlled Substance convictions

Moral Turpitude (involving minor children)

Financial Fraud

Felony DWI and Controlled Substance convictions

Murder

No. 3 Ethics Violation

House Bill 600 (92nd General Assembly, July 1, 2003)

No. 3 Ethics Violation

House Bill 600 (92nd General Assembly, July 1, 2003)

Individual and Business Professional License

No. 3 Ethics Violation

House Bill 600 (92nd General Assembly, July 1, 2003)

Individual and Business Professional License

Non-payment of state income taxes

No. 3 Ethics Violation

House Bill 600 (92nd General Assembly, July 1, 2003)

Individual and Business Professional License

Non-payment of state income taxes

Not filing all tax returns for preceding three years

No. 3 Ethics Violation

House Bill 600 (92nd General Assembly, July 1, 2003)

Failure to pay within 90 days of notification of delinquent taxes due.

No. 3 Ethics Violation

House Bill 600 (92nd General Assembly, July 1, 2003)

Failure to pay within 90 days of notification of delinquent taxes due.

IMMEDIATE AUTOMATIC SUSPENSION

No. 3 Ethics Violation

House Bill 600 (92nd General Assembly, July 1, 2003)

Failure to pay within 90 days of notification of delinquent taxes due.

IMMEDIATE AUTOMATIC SUSPENSION

No appeal, no Board hearing

No. 3 Ethics Violation

House Bill 600 (92nd General Assembly, July 1, 2003)

Failure to pay within 90 days of notification of delinquent taxes due.

IMMEDIATE AUTOMATIC SUSPENSION

No appeal, no Board hearing

Suspension ends upon presentation of DOR letter of compliance

No. 4 Ethics Violation

Consulting engineering firm SE issued construction plans for a new medical center in rural Missouri in 2009

No. 4 Ethics Violation

Consulting engineering firm SE issued construction plans for a new medical center in rural Missouri in 2009

In 2013 the new administrator of the medical center requested copies of the building drawings

No.4 Ethics Violation

SE sent PDF copies of the plans as requested

The administrator requested AutoCad drawings

No. 4 Ethics Violation

SE sent AutoCad files after receiving a release form signed by the administrator

The release form stated that documents are the property of the engineer and would not be reused for any purpose other than the original project

No. 4 Ethics Violation

LA Consulting Engineers issued drawings for another rural medical center in Missouri in November 2013

No. 4 Ethics Violation

LA Consulting Engineers issued drawings for another rural medical center in Missouri in November 2013

It appeared that some of the contents of the new drawings issued by L A were copied directly from the AutoCad files provided by SE.

No. 4 Ethics Violation

SE filed a complaint against LA, noting that the project they did in 2009 followed 2003 building codes and the project LA did in 2013 followed 2009 building codes, but the details were copied and had not been changed to reflect changes in the codes

No. 4 Ethics Violation

Possible violation of 327.441,

20 CSR 2030-2.010 and

20 CSR 2030-2.040

No. 4 Ethics Violation

Possible violation of 327.441, 20 CSR 2030-2.010 and 20 CSR 2030-2.040

Fraud, deception, misrepresentation

No. 4 Ethics Violation

LA met with the Board, after which the Board obtained additional information which led them to believe they were not truthful in the testimony to the Board

No. 4 Ethics Violation

Complaint was passed onto the Attorney General to take to the Administrative Hearing Commission to seek the authority to place the PE license

ON PROBATION

Do Ethics ever change?

“Things change so fast, you can't use 1971 ethics on someone born in 1971.”

Grace Slick (Jefferson Airplane)

Ethics can change due to time and circumstances.

Part 6
The Ethics of Fishing

Now we will finish by talking about Fishing Ethics.

Remember our discussion on Ethics and Moral Dilemmas

The most ethical thing you can do as a grandparent is to teach a grandchild to fish.

Questions?