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CHARLESTON
Secretary

STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS



RECEIVED

FILED IN THE OFFICE
EDGAR F. HEISKELL III
SECRETARY OF STATE

THIS DATE 3/5/73

OFFICE OF
SECRETARY OF STATE
WEST VIRGINIA

OFFICE OF SECRETARY
1800 East Washington Street, Room 411
TELEPHONE 348-3554

February 19, 1973

Edgar F. Heiskell
Secretary of State
State of West Virginia
State Capitol
Charleston, West Virginia

COPY

Dear Sir:

Enclosed are two copies of the revised Rules and Regulations pertaining to Professional Engineers in West Virginia.

I certify that the attached revised Rules and Regulations are true and accurate copies adopted by this Board at its meeting on November 2 & 3, 1972, held in Charleston, West Virginia.

Very truly yours,

William E. Moore II
Secretary

WEM:ds

Enclosures

obsolete

valid through April 5, 1973

armed forces of the United States of America, and will retain his name in good standing on the roster of the Board during said time; provided, he makes application for such waiver of fee, with acceptable evidence of such service.

Section 5. Disciplinary Proceedings

5.01 The Board may receive and investigate complaints pertaining to professional engineers and the practice of engineering and make findings thereon.

5.02 The Board may suspend or revoke the certificate or registration of any professional engineer registered hereunder who fails to conform to rules of professional conduct as set forth below.

1. PROFESSIONAL CONDUCT

In order to safeguard the life, health, property and welfare of the public, and to establish and maintain a high standard of integrity, skills, and practice in the profession of engineering, the following Rules of Professional Conduct shall be binding upon every person holding a certificate of registration as a professional engineer and on all partnerships or corporations or other legal entities authorized to offer or perform engineering services in this state.

All persons registered in the State of West Virginia are charged with having knowledge of the existence of these Rules of Professional Conduct, and shall be deemed to be familiar with their several provisions and to understand them. Such knowledge shall encompass the understanding that the practice of engineering is a privilege, as

opposed to a right, and the registrant shall be forthright and candid in his statements or written response to the Board or its representatives on matters pertaining to professional conduct.

THE PROFESSIONAL ENGINEER SHALL:

A. CONDUCT HIS PRACTICE IN ORDER TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE.

He shall at all times recognize his primary obligation to protect the safety, health, and welfare of the public in the performance of his professional duties. If his engineering judgment is overruled under circumstances where the safety, health and welfare of the public are endangered, he shall inform his employer of the possible consequences and notify such other proper authority of the situation, as may be appropriate.

B. PERFORM HIS SERVICES ONLY IN AREAS OF HIS COMPETENCE.

- (1) He shall undertake to perform engineering assignments only when qualified by education or experience in the specific technical field of professional engineering involved.
- (2) He may accept an assignment requiring education or experience outside of his own field of competence, but only to the extent that his services are restricted to those phases of the project in which he is qualified. All other phases of such project shall be performed by qualified associates, consultants or employees.
- (3) He shall not affix his signature and/or seal to any engineering plan or document dealing with subject matter to

which he lacks competence by virtue of education or experience, nor to any such plan or document not prepared under his direct supervisory control.

(4) In the event a question arises as to the competence of a professional engineer to perform an engineering assignment in a specific technical field of engineering which cannot be otherwise resolved to the Board's satisfaction, the Board, either upon request of the professional engineer or by its own volition, may require him to submit to an appropriate examination as determined by the Board.

C. ISSUE PUBLIC STATEMENTS ONLY IN AN OBJECTIVE AND TRUTHFUL MANNER.

(1) He shall be completely objective and truthful in all professional reports, statements, or testimony. He shall include all relevant and pertinent information in such reports, statements or testimony.

(2) He shall, when serving as an expert or technical witness before any court, commission, or other tribunal, express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of his testimony.

(3) He shall issue no statements, criticisms, or arguments on engineering matters connected with public policy which are

inspired or paid for by an interested party, or parties, unless he has prefaced his comment by explicitly identifying himself, by disclosing the identities of the party or parties on whose behalf he is speaking, and by revealing the existence of any pecuniary interest he may have in the instant matters.

D. SHALL AVOID CONFLICT OF INTEREST.

(1) He shall conscientiously avoid conflict of interest with his employer or client, but, when unavoidable, he shall forthwith disclose the circumstances to his employer or client.

(2) He shall avoid all known conflict of interest with his employer or client and shall promptly inform his employer or client of any business association, interests, or circumstances which could influence his judgment or the quality of his services.

(3) He shall not accept compensation, financial or otherwise, for more than one party for services pertaining to the same project, unless the circumstances are fully disclosed to, and agreed to, by all interested parties.

(4) He shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products.

(5) He shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with his client or employer in connection with work

for which he is responsible.

(6) When in public service as a member, advisor, or employee of a governmental body or department, he shall not participate in considerations or actions with respect to services provided by him or his organization in private engineering practices.

(7) He shall not solicit or accept an engineering contract from a governmental body on which a principal officer of his organization serves as a member.

E. SOLICIT OR ACCEPT WORK ONLY ON THE BASIS OF HIS
QUALIFICATIONS.

(1) He shall not offer to pay, either directly or indirectly, any commission, political contribution, or a gift, or other consideration in order to secure work, exclusive of securing salaried positions through employment agencies.

(2) He shall seek professional employment on the basis of qualification and competence for proper accomplishment of the work. He shall not solicit or submit proposals for professional services on the basis of competitive bidding. Competitive bidding is defined as the formal or informal submission, or receipt, of verbal or written estimates of cost or proposals in terms of dollars, man-days of work required, percentage of construction cost, or any other measure of compensation whereby the prospective client may compare engineering services on a price basis prior to the time that

one engineer or one engineering organization, has been selected for negotiations; provided, however, the submission and discussion of data published by professional engineering societies is not considered to constitute competitive bidding.

(3) He shall not falsify or permit misrepresentation of his, or 'his associates', academic or professional qualifications. He shall not misrepresent or exaggerate his degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint venturers, or his or their past accomplishments with the intent and purpose of enhancing his qualifications and his work.

F. ASSOCIATE ONLY WITH REPUTABLE PERSONS OR ORGANIZATIONS.

(1) He shall not knowingly associate with or permit the use of his name or firm in a business venture by any person or firm which he knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature.

(b) If he has knowledge or reason to believe that another person or firm may be in violation of any of the provisions or of Chapter 30, Article 13 of the West Virginia Code of 1931, as amended, he shall present such information to the

Board in writing and shall cooperate with the Board in furnishing such further information or assistance as may be required by the Board.

Conviction of a felony without restoration of civil rights, or the revocation or suspension of a professional engineer's license by another jurisdiction, if for a cause which in the State of West Virginia would constitute a violation of Chapter 30, Article 13, of the West Virginia Code of 1931, as amended, or of these rules and regulations, shall be grounds for a charge of violation of these rules.

2. Any conviction of a felony arising from or in connection with the practice of engineering, or a crime involving moral