

21-56.0701. RULES OF PROFESSIONAL CONDUCT

(a) 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 and land surveying, the following rules of professional conduct are promulgated in accordance with G.S. 89C-20 and shall be binding upon every person holding a certificate of registration as a Professional Engineer or Professional Land Surveyor (registrant), and on all partnerships or corporations or other legal entities authorized to offer or perform engineering or land surveying services in this state.

All persons licensed under the provisions of Chapter 89C of the General Statutes are charged with having knowledge of the existence of the rules of professional conduct, and shall be deemed to be familiar with their several provisions and to understand them.

(b) The Professional Engineer and Professional Land Surveyor shall conduct the practice in order to protect the public health, safety and welfare.

The registrant shall at all times recognize the primary obligation to protect the public in the performance of the professional duties. If the registrant's engineering or land surveying judgment is overruled under circumstances where the safety, health and welfare of the public are endangered, the registrant shall inform the employer, the contractor and the appropriate regulatory agency of the possible consequences of the situation.

(c) The Professional Engineer and Professional Land Surveyor shall perform services only in areas of the registrant's competence and:

(1) Shall undertake to perform engineering and land surveying assignments only when qualified by education or experience in the specific technical field of professional engineering or land surveying involved.

(2) May accept an assignment requiring education or experience outside of the registrant's own field of competence, but only to the extent that the services are restricted to those phases of the project in which the registrant is qualified. All other phases of such project shall be performed by qualified associates, consultants, or employees.

(3) Shall not affix the signature or seal to any engineering or land surveying plan or document dealing with subject matter for which the registrant lacks competence by virtue of education or experience, nor to any such plan or document not prepared under the registrant's direct supervisory control. Direct supervisory control (responsible charge) requires a registrant or employee to carry out all client contracts, provide internal and external financial control, oversee employee training, and exercise control and supervision over all job requirements to include research, planning, design, field supervision and work product review. A registrant shall not contract with a non-registered individual to provide these professional services. Research, such as title searches and soil testing, may be contracted to a non-registered individual, provided that individual is qualified and/or licensed to provide such service and provided the registrant reviews the work. The Professional Engineer and Professional Land Surveyor may affix the seal and signature to drawings and documents depicting the work of two or more professionals provided it is designated by a note under the seal the specific subject matter for which each is responsible.

(d) The Professional Engineer and Professional Land Surveyor shall issue public statements only in an objective and truthful manner and:

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

(2) When serving as an expert or technical witness before any court, commission, or other tribunal, shall 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 the registrant's testimony.

(3) Will issue no statements, criticisms, or arguments on engineering or land surveying matters connected with public

policy which are inspired or paid for by an interested party, or parties, unless the registrant has prefaced the comment by explicitly identifying the registrant's name, by disclosing the identities of the party or parties on whose behalf the registrant is speaking, and by revealing the existence of any pecuniary interest the registrant may have in the instant matters.

(4) Shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice or employment of another engineer or land surveyor, nor indiscriminately criticize another engineer or land surveyor's work in public. If the registrant believes that another engineer or land surveyor is guilty of misconduct or illegal practice, such information shall be presented to the North Carolina State Board of Examiners.

(e) The Professional Engineer and Professional Land Surveyor shall avoid conflicts of interest and:

(1) Shall promptly inform the employer or client of any business association, interests, or circumstances which could influence judgment or the quality of services.

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

(3) Shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products.

(4) Shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with the client or employer in connection with work for which the registrant is responsible.

(5) When in public service as a member, advisor, or employee of a governmental body or department, shall not participate in considerations or actions with respect to services provided by the registrant or the registrant's organization in private engineering and land surveying practices.

(6) Shall not solicit or accept an engineering or land surveying contract from a governmental body on which a principal or officer of the registrant's organization serves as a member.

(7) Shall not attempt to supplant another engineer or land surveyor in a particular employment after becoming aware that the other has been selected for the employment.

(f) The Professional Engineer and Professional Land Surveyor shall solicit or accept work only on the basis of qualifications and:

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

(2) Shall compete for employment on the basis of professional qualification and competence to perform the work. Shall not solicit or submit proposals for professional services containing a false, fraudulent, misleading, deceptive or unfair statement or claim regarding the cost, quality or extent of services to be rendered.

(3) Shall not falsify or permit misrepresentation of, academic or professional qualifications. Shall not misrepresent 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 past accomplishments with the intent and purpose of enhancing qualifications and work.

(g) The Professional Engineer and Professional Land Surveyor shall perform services in an ethical and lawful manner and:

(1) Shall not knowingly associate with or permit the use of the registrant's name or firm name in a business venture by any person or firm which the registrant knows, or has reason to believe, is engaging in business or professional

practices of a fraudulent or dishonest nature.

(2) If the registrant has knowledge or reason to believe that another person or firm may be in violation of any of these provisions or of the North Carolina Engineering and Land Surveying Act, 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. The registrant shall timely respond to all inquiries and correspondence from the Board and shall timely claim correspondence from the U.S. Postal Service, or other delivery service, sent to the registrant from the Board.

(h) A Professional Engineer or Professional Land Surveyor whose professional registration is revoked or suspended by another jurisdiction, shall be subject to discipline by the Board if the registrant's action violates Chapter 89C of the North Carolina General Statutes or these rules.