

STATE OF DELAWARE



DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS

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CODE OF ETHICS

(Approved by Council of Delaware Association of Professional Engineers, July 9, 2008)

PREAMBLE

In order to safeguard life, health and property, and to promote the public welfare, through a high standard of integrity, skills, and practice in the profession of engineering, the following Code of Ethics is promulgated by the Council of the Delaware Association of Professional Engineers in accordance with the Delaware Professional Engineers' Act, Title 24, Chapter 28 of the Delaware Code. The Code of Ethics shall be binding on all applicants and every person holding a certificate of registration as a Professional Engineer and all partnerships or corporations or other legal entities authorized to perform engineering services in the State of Delaware.

The revocation or suspension of a Professional Engineer's license by another jurisdiction, if for a cause which in the State of Delaware would constitute a violation of this Code of Ethics, shall be grounds for a charge of violation of this Code of Ethics.

Persons licensed under the Delaware Professional Engineers' Act must subscribe to the Code of Ethics as part of that person's application and shall be deemed to be familiar with its several provisions and to understand them.

This Code of Ethics follows the practice of Title 1, Section 304(b) of the Delaware Code, in that "Words importing the masculine gender include the feminine as well."

1. THE ENGINEER SHALL HOLD PARAMOUNT SAFEGUARDING LIFE, HEALTH AND PROPERTY AND PROMOTING THE PUBLIC WELFARE IN THE PERFORMANCE OF HIS PROFESSIONAL DUTIES.

A. The engineer shall at all times recognize that his paramount duty is to safeguard life, health and property and to promote the public welfare. If his professional judgment is overruled under circumstances such that upon investigation he believes that the life, health and property or public welfare is endangered, he shall so inform his employer and the Council of the Delaware Association of Professional Engineers.

B. The engineer shall approve and seal only those design documents which in his considered opinion do not endanger the life, health, property and the public welfare in conformity with accepted engineering standards.

C. The Engineer should be committed to improving the environment by adherence to the principles of sustainable development so as to enhance the quality of life of the general public. Sustainable development is the challenge of meeting human needs for natural resources, industrial products, energy, food, transportation, shelter, and effective waste management while conserving and protecting environmental quality and the natural resource base essential for future development.

D. The engineer shall not permit the use of his own, firm's, or associates' name in business ventures with any person or firm which upon investigation he believes is engaging in fraudulent or dishonest business or professional practices.

E. The engineer having knowledge of any alleged violation of the Code of Ethics shall be forthright and candid in cooperating with the Council in furnishing such information or assistance as may be required.

2. THE ENGINEER SHALL PERFORM SERVICES ONLY IN AREAS OF HIS COMPETENCE.

A. The engineer shall undertake to perform engineering only when qualified by education or experience in the areas of professional engineering involved.

B. The engineer may accept an assignment requiring education or experience outside his areas of competence, provided that such areas will be performed by a Professional Engineer or otherwise qualified associates, consultants, or employees. He may then sign and seal the documents for the total project. The engineer shall not affix his seal to any such document not prepared under his supervisory control and review.

3. THE ENGINEER SHALL ISSUE PROFESSIONAL STATEMENTS ONLY IN AN OBJECTIVE AND TRUTHFUL MANNER.

A. The engineer shall be completely objective and truthful in all professional reports, statements, or testimony, and shall include all relevant and pertinent information.

B. The engineer shall publicly express a professional opinion on technical subjects only when it is founded on adequate knowledge of the facts and competence in the subject matter.

C. The engineer when acting as a representative of an individual or organization shall issue no statements, criticisms, or arguments on engineering matters unless he has prefaced those comments by explicitly identifying on whose behalf he is speaking. When the engineer is acting as a consultant his expression or professional opinion shall be prefaced by identifying his status as a consultant, without necessarily naming the client. The engineer shall reveal any personal interest he may have in the matter.

4. THE ENGINEER SHALL ACT IN PROFESSIONAL MATTERS FOR EACH EMPLOYER OR CLIENT AS FAITHFUL AGENT OR TRUSTEE, AVOIDING CONFLICTS OF INTEREST.

A. The engineer shall disclose all known or potential conflicts of interest to his employer and/or client by promptly informing them of any business association, interest, or other circumstances which could influence his judgment or the quality of services.

B. The engineer shall not accept compensation, financial or otherwise, from more than one party for services on the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.

C. The engineer shall not solicit or accept financial or other valuable consideration, directly or indirectly, from suppliers, contractors, their agents, or other parties in connection with his work for employers or clients.

D. The engineer in public service as a member, advisor or employee of a governmental body shall not participate in decisions on work which involves professional services solicited or provided by him or his organization.

E. The engineer shall not solicit or accept a professional contract from a governmental body on which a principal or officer of his organization serves as a member, except upon public disclosure of all pertinent facts and circumstances and consent of the appropriate public authority.

F. The engineer shall not reveal proprietary information obtained in a professional capacity without the prior consent of the client or employer, except as authorized or required by law.

5. THE ENGINEER SHALL AVOID IMPROPER SOLICITATION OF PROFESSIONAL EMPLOYMENT.

A. The engineer shall not offer, give, solicit, or receive, either directly or indirectly, any commission, gift, or other valuable consideration in order to secure work.

B. The engineer shall not falsify or permit misrepresentation of his own, or associates' academic or professional qualifications. He shall not misrepresent his degree of responsibility in prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or past accomplishments.

C. The engineer shall not submit any proposal for purposes of obtaining professional work in which he falsifies or misrepresents his capability of carrying out that proposal.

6. THE ENGINEER SHALL SUPPORT AND FAITHFULLY COMPLY WITH THE LAWS OF ANY JURISDICTION WITHIN WHICH HE PRACTICES.

A. The crimes listed herein have been determined by Council to be substantially related to the practice of engineering, and, as such, the engineer shall report to Council within ninety (90) days of any conviction of any crime specified in the following sections of the Delaware Criminal Code:

Subchapter I. Inchoate Crimes

§502 Criminal solicitation in the second degree
§503 Criminal solicitation in the first degree
§511 Conspiracy in the third degree
§512 Conspiracy in the second degree
§513 Conspiracy in the first degree

Subchapter II. Offenses Against the Person

§603 Reckless endangering in the second degree
§604 Reckless endangering in the first degree

Subchapter III. Offenses Involving Property

§845 Theft of services
§854 Identity theft
§861 Forgery
§862 Possession of forgery devices
§871 Falsifying business records
§873 Tampering with public records in the second degree
§876 Tampering with public records in the first degree
§877 Offering a false instrument for filing
§878 Issuing a false certificate
§881 Bribery
§882 Bribe receiving
§906 Deceptive business practices
§907 Criminal impersonation
§909 Securing execution of documents by deception
§913 Insurance fraud
§933 Theft of computer services
§934 Interruption of computer services
§935 Misuse of computer system information
§936 Destruction of computer equipment
§937 Unrequested or unauthorized elec. mail or use of network or software to cause same

Subchapter VI. Offenses Against Public Administration

§1201 Bribery
§1203 Receiving a bribe
§1205 Giving unlawful gratuities
§1206 Receiving unlawful gratuities
§1207 Improper influence
§1211 Official misconduct
§1212 Profiteering
§1221 Perjury in the third degree
§1222 Perjury in the second degree
§1223 Perjury in the first degree
§1233 Making a false written statement
§1240 Terroristic threatening of public officials or public servants
§1261 Bribing a witness
§1262 Bribe receiving by a witness
§1263 Tampering with a witness
§1264 Bribing a juror
§1266 Tampering with a juror
§1269 Tampering with physical evidence

B. The engineer shall report to Council within ninety (90) days any conviction in any other state, municipal, or federal jurisdiction, for a crime similar to those listed in Canon 6.A.

C. The engineer, upon conviction for any felony crime not specifically listed in Canon 6.A, shall provide within ninety (90) days of conviction, information to the Council in sufficient specificity to enable Council to make

a determination of whether the crime occurred as a result of conduct substantially related to the practice of engineering.

(7/11/08-Rev.)