



NATIONAL SOCIETY OF  
PROFESSIONAL ENGINEERS

## BOARD *of* ETHICAL REVIEW



CASE REVIEW:

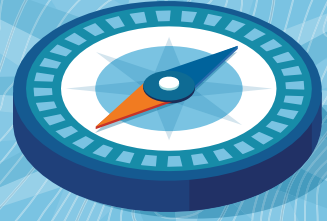
# Unlicensed Practice by Nonengineers with “Engineer” in Job Titles

CASE NO. 22-1  
APPROVED NOVEMBER, 2022

[NSPE.ORG](https://www.nspe.org)



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## UNLICENSED PRACTICE BY NONENGINEERS WITH “ENGINEER” IN JOB TITLES

CASE NO. 22-1

APPROVED 11/22

### FACTS:

Engineer A, a consulting engineer, presents signed and sealed design contract documents to the State Agency manager, “Transportation Engineer” B, who personally reviews those documents for final approval, makes comments, and directs changes – all of which under the laws of the state constitutes the practice of engineering. Engineer A learns that “Transportation Engineer” B is neither a licensed engineer nor even a degreed engineer. Engineer A is concerned that the State Agency has given staff in management positions the title of “Engineer” when they are not qualified to review and approve consulting engineers’ design documents.

### QUESTION:

1. Is it ethical for “Transportation Engineer” B to engage in the practice of engineering when “Transportation Engineer” B is not qualified for licensure based on education, examination, and experience?
2. If “Transportation Engineer” B is practicing engineering, does Engineer A have an obligation to report “Transportation Engineer” B for the unlicensed practice?

### NSPE CODE OF ETHICS REFERENCES:

- |              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Preamble     | Engineering is an important and learned profession. 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. Engineers must perform under a standard of professional behavior that requires adherence to the highest principles of ethical conduct. |
| Section I.1. | Engineers, in the fulfillment of their professional duties, shall hold paramount the safety, health and welfare of the public.                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

- Section II.1.e. Engineers shall not aid or abet the unlawful practice of engineering by a person or firm.
- Section II.1.f. Engineers having knowledge of any alleged violation of this Code shall report thereon to appropriate professional bodies and, when relevant, also to public authorities, and cooperate with the proper authorities in furnishing such information or assistance as may be required.
- Section II.5.a. Engineers shall not falsify their qualifications or permit misrepresentation of their or their associates qualifications. They shall not misrepresent or exaggerate their responsibility in or for the subject matter of priority assignments.
- Section III.8.a. Engineers shall conform with state registration laws in the practice of engineering.

## **NSPE BER CASE REFERENCES:**

[92-2](#), [95-10](#)

## **DISCUSSION:**

Licensing requirements are imposed upon highly skilled professional occupations such as medicine, law, and engineering. These requirements protect the public interest by ensuring members of the profession have demonstrated acceptable levels of competence and expertise and by excluding unqualified individuals who might misrepresent their skills and abilities to take advantage of the unsuspecting public.

There are ethical concerns when unqualified individuals engage in the practice of engineering. Performance of engineering services by unqualified individuals is detrimental to public safety and to the integrity of the engineering profession at large. Use of the title, “engineer,” conveys substantial education, examination, and experience, and, in many states, a license to practice. “Engineer” titles used by individuals working for state agencies tends to convey the impression that they are licensed professional engineers, which may cause confusion among the public. Use of creative titles such as “Associate Engineer,” “Building Engineer,” “Forest Practices Engineer” and “Sanitation Engineer” misrepresents qualifications. Unqualified individuals providing these services when they are not under the direct personal supervision of a licensed professional engineer have caused harm to the public health, safety, and welfare.

The Board of Ethical Review has had the opportunity to review similar cases. In [BER Case 92-2](#), an engineer intern (EI) observed that the firm’s advertising documents listed him as a PE. The EI reported this misrepresentation to the marketing department, but after six months, the documents had not been corrected. The BER noted that the EI took the appropriate step by alerting the marketing director of the error and concluded that “[w]hile there is no indication that what has occurred under these facts is anything other than a negligent oversight, continued inaction by the firm in light of actual knowledge of the error could easily raise questions of improper and unethical conduct.”

[BER Case 95-10](#) considered an engineering firm, EN-GCO, that listed key personnel who did not hold engineering degrees with titles including “Engineer” and “Design Engineer.” The case discussion indicated that “Although the industry and governmental agencies sometimes use the term indiscriminently [sic], we in

the profession must not.” This case also suggested that most states have in their state licensing act how and when the word “engineer” can be used in a title, usually requiring a college degree and/or meeting licensing requirements, but it went on to point out that when “non-degreed personnel have fulfilled the state requirements to be licensed, they may use the term regardless of their formal education.”

It should be noted that in the present case, NSPE Code of Ethics Section II.5.a. is very clear: “Engineers shall not falsify their qualifications or permit misrepresentation of their or their associates’ qualifications. They shall not misrepresent or exaggerate their responsibility in or for the subject matter of prior assignments.” In light of the fact that Engineer A has been directed to revise his “signed and sealed contract documents” based on [non] Engineer B’s review, Engineer A is working in association with B. Per Section II.1.e, Engineer A “shall not aid or abet the unlawful practice of engineering. . .” and is obligated to report Engineer B’s violation to appropriate professional bodies (Section II.1.f).

Professional engineers owe ethical duties to the public that unlicensed individuals merely holding the title of “Engineer” do not owe. Professional engineers are personally and legally responsible for their services and must comply with a professional code of ethics. Allowing unlicensed individuals to hold themselves out as “Engineers” with none of the associated ethical or legal obligations diminishes the profession and endangers the public by posing a significant threat to public health and safety. This clearly undermines both the public’s confidence in the profession and the intent of licensure that professional engineers adhere to minimum standards and technical competence obtained through significant education and practical experience as evidenced by successful completion of a rigorous examination.

## CONCLUSIONS:

1. It is unlawful and therefore not ethical for “Transportation Engineer” B to engage in the practice of engineering without having fulfilled the requirements for licensure: adequate education, rigorous examination, and substantial experience.
2. Since “Transportation Engineer” B is practicing engineering (as defined by the state in question), Engineer A has an obligation to report “Transportation Engineer” B for unlicensed practice.

### Board of Ethical Review:

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