**02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

**322 STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS**

**Chapter 4: CODE OF ETHICS**

**SUMMARY:** This chapter contains the Code of Ethics for Professional Engineers licensed in Maine.

**SECTION 1: Preamble**

1. To comply with the purpose of the Act, which is "to safeguard life, health and property," and to maintain a high standard of integrity and practice, the Board adopts the following Code of Ethics.

2. The Code of Ethics shall be binding on every person holding a license to offer or perform professional engineering services in Maine. To the extent applicable, it shall also be binding on every person who holds a certificate as an Engineer-Intern in Maine. Persons holding a license, certificate or temporary license to practice professional engineering are referred to hereinafter collectively as “Licensees.”

3. Licensees are required to be familiar with the Act and Rules of the Board and the Code of Ethics. In addition, each Licensee is charged with the responsibility of adhering to standards of highest ethical and moral conduct in all aspects of practice.

4. All Licensees shall practice professional engineering only in the areas of their competence according to current standards.

**SECTION 2: Obligation to Society**

1. In the performance of their services for clients, employers and customers, Licensees shall be cognizant that their first and foremost responsibility is to the public welfare.

2. Licensees shall approve and seal only those design documents that conform to accepted engineering standards and safeguard the life, health, property and welfare of the public.

3. Licensees shall notify their employers or clients and any such other authority as may be appropriate when their professional judgment is overruled under circumstances where the life, health, property, or welfare of the public is endangered.

4. Licensees shall be objective and truthful in professional reports, statements or testimony. They shall include all relevant pertinent information in such reports, statements or testimony.

5. Licensees shall express a professional opinion publicly only when it is founded upon an adequate knowledge of the facts and a competent evaluation of the subject matter.

6. Licensees shall issue no statements, criticisms or arguments on technical matters which are inspired or paid for by interested parties, unless they explicitly identify the interested parties on whose behalf they are speaking and reveal any interest they have in the matters.

7. Licensees shall not permit the use of their name by, nor associate in business ventures with, any person or firm engaged in fraudulent or dishonest business or professional practices.

8. Licensees having knowledge of any possible violations of the Act, the Rules, or the Code of Ethics shall notify the Board and provide all information and assistance necessary in order for the Board to render a final disposition of the matter.

9. Licensees shall follow a program of professional development to maintain their competence.

**SECTION 3: Obligation to Employer and Clients**

1. Licensees shall avoid conflicts of interest and faithfully serve the legitimate interests of their employers, clients, and customers within the limits defined by these rules.

2. Prior to engaging in any professional services, Licensees shall fully disclose to any employer or client any potential conflicts of interest which may influence or appear to influence their judgment or the quality of their service to any employer or client.

3. Licensees shall undertake assignments only when qualified by education or experience to perform the professional engineering involved.

4. Licensees shall not reveal confidential, proprietary, or otherwise protected information obtained in a professional capacity without the prior consent of the clients or employers, except as authorized or required by law.

5. Licensees shall not solicit or accept financial or other valuable consideration, directly or indirectly, from contractors, their agents or other parties in connection with their work for other employers or clients.

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

7. Licensees shall not solicit or accept a professional contract from a governmental body on which a principal or officer of their organization serves as a member. Conversely, Licensees who are principals or employees of a private concern and serve as members, advisors, or employees of a governmental body shall not participate in decisions with respect to professional services offered or provided by said concern to the governmental body which they serve.

**SECTION 4: Obligation to Other Licensees**

1. Licensees shall not compete unfairly with others.

2. Licensees shall not falsify or permit misrepresentation of their or their associates’ academic or professional qualifications. They shall not misrepresent or exaggerate their degree of responsibility in prior assignments or the complexity of said assignments. Presentations incident to the solicitation of employment or business shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures and past accomplishments.

3. Licensees shall not offer, give, solicit, receive, either directly or indirectly, any commission, gift or other valuable consideration in order to secure work and shall not make any political contribution with the intent to influence the award of a contract by public authority.

4. Licensees shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice or employment of other Licensees nor indiscriminately criticize other Licensees’ work.

STATUTORY AUTHORITY: 32 M.R.S.A. Section 1306(2)

EFFECTIVE DATE:

 September 9, 2014 – filing 2014-217

REPOSTED:

 September 23, 2014 as a separate chapter