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# Engineering Ethics for Mississippi Professional Engineers

Course No: MS2-001

Credit: 2 PDH

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# Chapter 1

## Overview of the Mississippi Engineering Laws & Rules of Professional Responsibility

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### Engineering Ethics

Engineering ethics is (1) the study of moral issues and decisions confronting individuals and organizations involved in engineering and (2) the study of related questions about moral conduct, character, ideals and relationships of peoples and organizations involved in technological development (Martin and Schinzinger, *Ethics in Engineering*).

### Mississippi Board of Licensure for Professional Engineers and Surveyors

The Mississippi Board of Licensure for Professional Engineers and Surveyors (Board) was established by the state legislature in 1928. The Board's mission is to safeguard life, health, and property, and to promote the public welfare by providing a complete and thorough registration process for Professional Engineers and Professional Surveyors, ensuring that each is properly qualified to practice in the state of Mississippi.

The Board is composed of nine (9) members - six (6) licensed professional engineers, and three (3) licensed professional surveyors who are not licensed professional engineers. Board Members are appointed by the Governor. Each appointment is made from a list of nominees furnished by the Mississippi Engineering Society (MES) and by the Mississippi Association of Professional Surveyors (MAPS). Appointments are for a term of four (4) years, and each Board Member is eligible for re-nomination and reappointment.

The Board has the authority to implement the provisions of Title 73, Chapter 13 of the 1972 Mississippi Code, "Professional Engineers and Surveyors" and Title 30, Part 901, "Rules and Regulations of the Mississippi Board of Licensure for Professional Engineers and Surveyors".

### Mississippi Code of 1972

The Mississippi Code of 1972 is a collection of state laws organized by subject area into a code made up of titles, chapters and sections. The Mississippi Code was last updated in July 2015 by laws that create, amend, or repeal statutory material.

The Mississippi Legislature found that it was necessary in the interest of public health and safety to regulate the practice of engineering in the State of Mississippi and thus created Title 73, Chapter 13, "Professional Engineers and Surveyors". Under this law, the Mississippi Board of Licensure for Professional Engineers and Surveyors is responsible for reviewing applications, administering examinations, licensing qualified applicants, and regulating the practice of engineering throughout the state.

## **Mississippi Rules and Regulations**

The Mississippi Rules and Regulations is a compilation of the rules and regulations of the Mississippi regulatory agencies. Its counterpart in the federal system is the *Code of Federal Regulations*. It is organized by titles with each title number representing a department, commission, board or other agency.

The Mississippi Rules and Regulations state the rule followed by statutory authority, implementation and a history of the rule. The set is annotated with decisions of the Federal courts, State appellate courts, State Attorney General opinions, final and recommended orders of the Division of Administrative Hearings and final agency orders. At the end of each rule, a history note is located starting with title number. The history note indicates when the rule has been modified, renumbered, or repealed.

Similar to Title 73, Chapter 13 of the Mississippi Code of 1972, Title 30, Part 901 of the Mississippi Rules and Regulations pertains exclusively to the Mississippi Board of Licensure for Professional Engineers and Surveyors and its functions with respect to the practice of engineering. Pertinent excerpts of these rules, as they relate to the code of professional conduct, are presented in Chapter 2.

# Chapter 2

## Mississippi Board Rules and Regulations (April 15, 2017)

### TITLE 30: PROFESSIONS AND OCCUPATIONS

#### PART 901: Rules and Regulations of the Mississippi Board of Licensure for Professional Engineers and Surveyors

*The following are excerpts from Title 30, Part 901 of the Mississippi Rules and Regulations. If you wish to review the entire title, please visit the website of the Mississippi Board at:*

[https://www.pepls.state.ms.us/pepls/web.nsf/webpages/LN\\_RR\\_PAGE\\_RR/\\$FILE/Rule%20Book%2004-15-2017.pdf?OpenElement](https://www.pepls.state.ms.us/pepls/web.nsf/webpages/LN_RR_PAGE_RR/$FILE/Rule%20Book%2004-15-2017.pdf?OpenElement)

### Chapter 17: CODE OF PROFESSIONAL CONDUCT

**Introduction:** The licensee shall be forthright and candid in his statements or written responses to the Board or its representatives on matters pertaining to professional conduct.

**Rule 17.1 Responsibility to the Public** - The licensee shall at all times recognize his primary obligation to protect the safety, health and welfare of the public in the performance of his work. If the licensee's employer or clients overrule his judgment concerning the safety, health and welfare of the public, he shall inform his employer or client of the possible consequences and, where appropriate, notify such other proper authority. It shall be the licensee's duty to report to the Board violations of the Rules and Regulations. Failure to do so may be construed as aiding and abetting the violator. Furthermore, the licensee should remove himself from the situation if, after advising the employer or client, there continues to be a concern regarding the safety, health, and welfare of the public.

Source: Miss. Code Ann. §73-13-15

#### **Rule 17.2 Competency for Assignments**

1. The licensee shall undertake to perform assignments only when qualified by education or experience in the specific discipline involved. The licensee may accept an assignment requiring education or experience outside his area 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 projects shall be performed by licensees who may be associates, consultants or employees, qualified in the specific disciplines involved.

2. The licensee shall avoid actions and procedures which, in fact, amount to aiding and abetting an unlicensed person to practice the professions.

3. a. The Professional Engineer shall not affix his signature and/or seal and/or title block to

any plan or document unless said plan or document was prepared by him, prepared under his direct supervisory control, or reviewed by him in sufficient depth to fully coordinate and assume responsibility for plans prepared by another licensed Professional Engineer.

b. The Professional Surveyor shall not affix his signature and/or seal and/or title block to any plat or document unless said plat or document was prepared by him, prepared under his direct supervisory control, or reviewed by him in sufficient depth to fully coordinate and assume responsibility for plats or documents prepared by another licensed Professional Surveyor.

4. A Professional Engineer, if properly qualified by training, education and experience, may perform construction management services without obtaining any additional license or certification, provided that the professional engineer does not perform any construction work on the project being managed.

Source: Miss. Code Ann. §73-13-15

### **Rule 17.3 Public Statements**

1. The licensee 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. The licensee, 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 his testimony.

3. The licensee will issue no statements, or criticisms or arguments on 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 subject matter.

Source: Miss. Code Ann. §73-13-15

### **Rule 17.4 Conflict of Interest**

1. A conflict of interest is avoidable. A licensee shall not represent a client if the licensee's ability to consider, recommend, or carry out a course of action on behalf of the client could be adversely affected by the licensee's responsibilities to another client or to a third person or to the licensee's own interest, or the safety, health and welfare of the public.

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

3. The licensee shall not solicit or accept, directly or indirectly, financial or other valuable considerations from material suppliers, equipment suppliers or any other vendors for specifying or recommending their products.

4. The licensee shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents or other parties dealing with the licensee's client or employer in connection with work for which he is responsible.

5. The licensee shall not solicit or accept a professional services contract which involves a governmental body on which the licensee, a principal, or officer of his organization serves as a member.

6. When a licensee is employed or otherwise engaged in a full or part-time position, he shall not use the advantages of his position to compete unfairly with other licensees.

7. A licensee serving in any official capacity, either part-time or full-time, as the engineer or surveyor for any county, city or other governmental body, Board or agency, where plans or documents must be submitted to him for review, approval or a recommendation for approval, cannot review, approve or recommend approval of his own plans or documents, or plans or documents prepared by any member of the firm of which he is a member.

Source: Miss. Code Ann. §73-13-15

### **Rule 17.5 Solicitation of Work**

1. The licensee shall not offer to pay, either directly or indirectly, any commission, political contribution, gift, or other consideration in order to secure work, except when the licensee is securing salaried positions through employment agencies.

2. The licensee 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 employer, employees, associates, joint venturers or his or their past accomplishments.

3. The licensee shall not indulge in publicity that is misleading or advertise in a self-laudatory manner.

4. The licensee shall not supplant, nor attempt to supplant, directly or indirectly, another professional engineer and/or professional surveyor in a particular engineering or surveying project, after contracts have been awarded to such other professional engineer and/or professional surveyor. The furnishing of informative brochures regarding the licensee's firm or employer is not considered an attempt to supplant.

5. A licensee, acting individually or through a firm, association, partnership or corporation shall neither request, propose, or accept an agreement, contract, or commission for professional services on a "contingency basis" under which his professional judgment may be compromised or when a contingency provision is used as an inducement to promote or secure an agreement, contract, or commission, either for future commissions or projects, or for performing additional services on the project involved.

6. The Professional Engineer, and the engineering firm, is to seek professional employment based primarily on the qualifications and competencies required for proper accomplishment of the work. This process restricts the Professional Engineer or firm from submitting a price for services until the prospective client has selected that Engineer or firm, based primarily on stated qualifications and competencies, for final contractual negotiations.

Competitive price proposals may not be submitted or solicited for professional services unless all the following restrictions are met:

- a. The prospective client has first sought statements of qualifications from interested licensees, and

b. Those licensees chosen by the client on the basis of qualifications and competence for proper accomplishment of the work (not to exceed five) have received in writing a comprehensive and specific Scope of Work, and

c. When the Scope of Work has been prepared, signed and sealed by a licensed Professional Engineer who has attested to the completeness and adequacy of the Scope of Work assuring that it fully identifies and describes the factors affecting the required engineering services, and

d. Assurances have been given by the prospective client that factors in addition to price were considered in selecting the Professional Engineer, and

e. Neither the Professional Engineer that sealed the Scope of Work, nor this Professional Engineer's firm, will be allowed to submit a price proposal.

7. The Professional Surveyor, and the surveying firm, is to seek professional employment based primarily on the qualifications and competencies required for proper accomplishment of the work. This process restricts the Professional Surveyor or firm from submitting a price for services until the prospective client has selected that Surveyor or firm, based primarily on stated qualifications and competencies, for final contractual negotiations.

Competitive price proposals may not be submitted or solicited for professional surveying services unless all the following restrictions are met:

a. The prospective client has first sought statements of qualifications from interested licensees, and

b. Those licensees chosen by the client on the basis of qualifications and competence for proper accomplishment of the work (not to exceed five) have received in writing a comprehensive and specific Scope of Work prepared by the client or the client's representative that completely describes the factors affecting the required surveying services, and

c. Assurances have been given by the prospective client that factors in addition to price were considered in selecting the Professional Surveyor.

Source: Miss. Code Ann. §73-13-15

**Rule 17.6 Ethics** - The licensee shall contribute to the maintenance, integrity, independence and competency of the engineering and/or surveying profession as follows:

1. The licensee shall not violate any provision of Mississippi Law regulating the practice of engineering and surveying;

2. The licensee shall not participate, directly or indirectly, in any plan, scheme or arrangement attempting or having as its purpose the violation of any provision of the Law regulating the practice of engineering and surveying;

3. The licensee shall exercise reasonable care to assure that his partners, associates, and employees do not engage in conduct which, if done by him, would violate any provision of Law regulating the practice of engineering and surveying;

4. The licensee shall not engage in any illegal conduct involving moral turpitude;



5. The licensee shall not engage in any conduct that discredits or tends to discredit the profession of engineering and/or surveying;
6. The licensee shall not permit or allow himself, his professional identification, seal, firm, or business name, or his services to be used or made use of, directly or indirectly, or in any manner whatsoever, so as to make possible or create an opportunity for the unauthorized practice of engineering and/or surveying by any person, firm or corporation in this state;
7. The licensee shall not perform any acts, allow omissions or make any assertions or representations which are fraudulent, deceitful, or misleading, or which in any manner whatsoever tend to create a misleading impression;
8. The licensee shall not knowingly associate with or permit or allow the use of his name, firm name or professional identification or seal in any business venture, project or enterprise which he knows or has reason to believe is involved in professional practices which violate any provision of the Law regulating the practice of engineering and/or surveying;
9. The licensee shall not knowingly associate with or permit the use of his name, professional identification, seal, firm or business name in connection with any venture or enterprise which he knows, or has reason to believe, involves trade, business or professional practice of a fraudulent, deceitful or dishonest nature;
10. The licensee shall not injure or attempt to injure the professional reputation of another licensee. This shall not relieve a licensee of the obligation to expose unethical or illegal conduct to the proper authorities or preclude an honest appraisal of licensees considered for employment;
11. The licensee shall not aid or abet, directly or indirectly, any non-licensee in the practice of engineering and/or surveying.
12. The licensee shall be personally and professionally responsible and accountable for the care, custody, control and use of his engineer's and/or surveyor's seal, his professional signature and identification. A seal which has been lost, misplaced or stolen shall, upon discovery of its loss, be reported immediately to the Board, which may invalidate the licensure number of said seal, if it deems this necessary, and issue another licensure number to said licensee.
13. The licensee shall not, directly or indirectly, use or make use of any property, facility or service of any governmental body, agency or department for the benefit of any private business or activity in which the licensee also may be engaged.
14. The licensee shall not, directly or indirectly, use or make use of any property, facility or service of his client or employer for his own benefit.
15. The licensee shall not practice or offer to practice engineering and/or surveying in any governmental jurisdiction in which to do so would be in violation of the Laws regulating the practice of professional engineering and/or professional surveying in that jurisdiction.

Source: Miss. Code Ann. §73-13-15

**Rule 17.7 Character and Reputation** - The licensee shall be responsible for maintaining good character and reputation. Suspension of a certificate of licensure by another

jurisdiction, becoming a habitual drunkard, being grossly immoral, or addicted in the use of narcotics, being finally adjudged insane, or incompetent by a court of competent jurisdiction or being convicted of a felony or misdemeanor shall be grounds for a disciplinary hearing which may result in revocation of his certificate of licensure.

Source: Miss. Code Ann. §73-13-15

**Rule 17.8 Response to Orders and Communications** - A licensee's refusal to accept or receive, or a licensee's failure to timely respond to, (a) an order of the Board or (b) a request in writing from the Executive Director, the Board's attorney or a Board member, provided such request is made within the scope of responsibility of the writer, shall be considered misconduct subject to disciplinary action.

Source: Miss. Code Ann. §73-13-15

**Rule 17.9 Current mailing address is required** – A licensee shall notify the Board in writing by mail, fax, or email within 30 days of any change in the licensee's mailing address of record.

Source: Miss. Code Ann. §73-13-15

## **Chapter 18: DISCIPLINARY ACTIONS**

**Rule 18.1 Charges** - For the purposes of this rule, "charge" refers to any allegation brought to the Board against a licensee or other person relating to a violation of the Law or the Rules and Regulations. Charges may be preferred by anyone who believes that a violation may have occurred.

1. Except as noted in item 3 below, all charges preferred must be made in writing by the person or persons making them and shall be filed with the Board.
2. All charges shall be made on forms prescribed by the Board, which are available from the Board. The information required includes the name and addresses of the complainant and the respondent, a concise statement of the complaint with facts supporting the allegation that a violation has occurred, and a statement of the relief sought. The complainant shall sign the form.
3. In instances in which the Board is presented with prima facie evidence of a violation of the Law or the Rules and Regulations, a written statement of charges by the complainant will not be required.
4. No investigative action will be taken regarding submissions that are neither prima facie evidence nor accompanied by the written statement of charges.
5. Following the receipt of such charges or prima facie evidence, the Board will proceed to investigate and unless dismissed as frivolous, unfounded, or filed in bad faith, will proceed in accordance with the provisions of the statute involved, subject to the following limitation. Complaints must be filed within two years of the date of the discovery of the violation but no later than six years from the date of the violation itself.

Source: Miss. Code Ann. §73-13-15

**Rule 18.2 Investigative Procedures** - Upon the filing of charges or information in accordance with Rule 18.1, the executive director shall refer them to a designated Board member. If the charges or information are first made by or through a Board member and if the executive director makes a determination that the Board member's objectivity is not impaired, the executive director will select that Board member as the designated Board member; otherwise, the designated Board member shall be selected on a rotating basis. If any Board member selected as a designated Board member, whether by the bringing of charges or information or on a rotating basis, can show reasonable cause that he or she should not be the designated Board member, or if the executive director makes a determination that the Board member's objectivity is subject to a reasonable charge of being impaired, then such charges or information shall be referred to the Board member next in line of rotation.

The designated Board member may institute an investigation of the charges and, after consultation with the Executive Director and the Board's attorney, determine whether to proceed with a letter of admonition, a consent order, an informal conference, or a formal disciplinary hearing.

Neither the designated Board member nor any Board member disqualified in the process of selecting the designated Board member shall sit as a member of the Board in any disciplinary hearing resulting from that investigation.

Source: Miss. Code Ann. §73-13-15

### **Rule 18.3 Disciplinary Proceedings**

1. Complaints, Summons, and Notice of Hearing - For the purposes of this rule, "complaint" refers to the formal documents issued by the Board to initiate a disciplinary hearing. The complaint is based on prior investigation of charges or information and shall set forth a statement of the charges against the accused.

For the purposes of this rule, "summons and notice of hearing" refers to the document accompanying the complaint which compels the respondent to appear and sets forth the time and place of the hearing.

The summons and complaint together with a copy of the applicable Law and Rules and Regulations shall be:

- a. mailed by licensed or certified mail, return receipt requested, to either the respondent's last known business or residence address or the most recent address of the accused on file with the Board, or
- b. personally served on the respondent, and
- c. provided not less than thirty days prior to the scheduled date of the disciplinary hearing.

2. Consent Orders - If after receipt of a complaint and prior to the disciplinary hearing an accused desires to admit to a violation, a consent order may be entered into with the accused without the necessity of a disciplinary hearing. This opportunity for settlement shall be within the sole discretion of the investigative committee. Any consent order shall be subject to the approval of the Board and shall not be subject to appeal. The Board may reject a proposed consent order and vote to hold a formal disciplinary hearing.

3. Informal Conferences - The respondent may request an informal conference at the Board office with the investigative committee for the purpose of showing that the allegation(s) contained in the complaint is (are) not true. The investigative committee will be composed of the designated Board member, the executive director, the Board attorney, and appropriate staff personnel; however, the absence of the designated Board member or the executive director or Board attorney shall not invalidate the formation of the committee or the conclusions of the conference. The respondent may have an attorney present only in an advisory capacity. If the respondent desires a conference and the complaint cannot thereafter be dismissed on the evidence, an effort will then be made to reach an informal settlement and consent order as provided in paragraph 2.

The informal conference and/or settlement negotiation shall be completed prior to a date 10 days before the scheduled date of the disciplinary hearing; provided, however, the Board's investigative committee, at its sole discretion, may continue the disciplinary hearing at the request of the respondent for the purpose of completing said proceedings.

Source: Miss. Code Ann. §73-13-15

**Rule 18.4 Conflict and Bias** - A Board member shall not be entitled to participate in any disciplinary action if the Board determines that such a Board member is personally biased against the accused.

Source: Miss. Code Ann. §73-13-15

**Rule 18.5 Respondent May Assert Bias** - Any accused in a disciplinary proceeding may assert conflict or bias by filing with the Executive Director at least three days before the scheduled disciplinary hearing an affidavit asserting the disqualification together with specific details of the underlying factual bias for the assertion.

Source: Miss. Code Ann. §73-13-15

**Rule 18.6 Disqualification** – The recusal or disqualification of Board members shall be considered on the record as a preliminary matter at the hearing before any other questions are decided. In the event that after said consideration there does not remain a quorum, substitute panel members shall be selected from the most recent slates of Board appointment candidates established by the Mississippi Engineering Society and the Mississippi Association of Professional Surveyors to the extent necessary to achieve a quorum. These substitute members shall receive compensation as provided for Board members in Section 73-13-9.

Source: Miss. Code Ann. §73-13-15

**Rule 18.7 Pre-Hearing Discovery**

1. Pre-hearing discovery shall be permitted in accordance with this rule to the extent necessary to prevent fraud, conserve the Board's time, prevent undue surprise at hearing, protect persons from annoyance, embarrassment, or undue burden or expense, and promote the ends of justice.

2. All discovery shall be completed within thirty days of the accused's receipt of the summons and complaint unless otherwise modified by the designated Board member for good cause.

3. The attorney for the Board or the accused may obtain discovery regarding any matter not

privileged which is relevant to the subject matter of the pending action, whether it relates to the prosecution or the defense.

4. Discovery shall be had in strict accordance with such terms and conditions as may be imposed by the designated Board member, considering all the factors of each case.

Source: Miss. Code Ann. §73-13-15

**Rule 18.8 Methods of Discovery** - Upon timely notice the following discovery may be allowed or ordered by the designated Board member.

1. Deposition upon oral examination under oath of any party, material witness or expert witness.

The cost of such deposition shall be borne by the requesting party.

a. The requesting party shall give reasonable notice in writing to the other party, setting forth the name and address of each person to be examined and the time and the place for taking the deposition.

b. The deposition, if it is intended to be used at the hearing, shall be stenographically transcribed and certified as to its accuracy by the stenographer and the deponent. A true and correct copy of the transcript shall be forwarded to the other party upon written request, along with an invoice for the reasonable cost of copying and mailing same.

2. Written interrogatories to be answered in writing, under oath, by any party, material witness or expert witness.

3. Order for production and copying of documents and things and for entry upon land for inspection and other relevant purposes, by any party against any party or person.

4. Before an action is commenced, the Board may direct that the Board's attorney, or the Board's attorney may on his own initiative, conduct such preliminary discovery regarding any matter under investigation that the Board or the Board's attorney deems necessary and proper in order to perpetuate testimony or to otherwise prevent a failure or delay of justice. Such pre-action discovery methods shall be in conformance with those set out hereinabove. The product of such discovery may be used in any action involving the same subject matter subsequently brought before the Board.

Source: Miss. Code Ann. §73-13-15

### **Rule 18.9 Disciplinary Hearings**

1. Conduct of Hearing

a. Hearing Examiner - The Board may, in its discretion, appoint some person to act as hearing officer at disciplinary hearings. In the event a hearing officer is appointed, such officer shall preside at the hearing and shall rule on all questions of evidence and procedure in accordance with the provisions of these rules.

b. Plea - The accused shall either admit or deny the charges set forth in the complaint.

c. Opening Statement - Each side shall be permitted to make a short opening statement.

d. Form of Hearing - The Board shall present its evidence, followed by the accused,

followed by such rebuttal as may be necessary and proper. Each witness called may be examined in the following manner:

- (1) Direct examination
- (2) Cross examination
- (3) Re-direct examination
- (4) Re-cross examination

e. Closing Statement - Each side shall be permitted to make a short closing statement summarizing the evidence presented and urging the application of relevant Law to the evidence presented.

f. Proposed Order - The Board may request one or both parties to submit within seven days for the Board's consideration a proposed order of the Board including findings of fact and conclusions of Law, a copy of which the submitting party shall mail to the other party. Underlying facts of record which support the findings should be cited. If the submitting party desires a written transcript of the hearing for the purpose of preparing such proposed order, that party must request same and pre-pay the cost of postage and the reasonable cost of transcription. In such event, the Board may request the proposed order to be submitted within ten days of the mailing of the transcript.

g. Order - The Board shall issue an order not more than ninety days after the close of the hearing, which shall include findings of fact and conclusions of Law, stated separately. The accused shall be forwarded a copy of the order by certified or licensed mail, return receipt requested, and a copy shall be forwarded by first class mail to each attorney of record.

h. Evidence - The Mississippi Rules of Evidence shall be used as a general guide for the presentation of evidence, however any evidence which reasonably appears to be relevant to the issues of the case may be allowed notwithstanding its inadmissibility under said Rules, unless the evidence offered is clearly of a privileged nature.

i. Procedure - The Mississippi Rules of Civil Procedure shall be used as a general guide for the conduct of the proceedings, however formal adherence to said Rules shall not be mandated except as may be reasonably required to promote the ends of justice.

Source: Miss. Code Ann. §73-13-15

**Rule 18.10 Discipline** - Upon a finding that the accused has violated any enumerated provision of Title 73, Chapter 13 or any rule adopted pursuant to Title 73, Chapter 13, the Board may censure; reprimand; admonish; require the completion of a course in ethics and/or additional education as approved by the Board; fine the accused; and/or revoke or suspend the accused's licensure to practice as a Professional Engineer and/or Professional Surveyor or enrollment as an Engineer Intern or Surveyor Intern.

The Board may, in its discretion, temporarily stay the execution of its order conditioned upon any provision the Board deems just and proper under all the circumstances of each case.

In determining whether a licensure or enrollment should be revoked or suspended, and whether execution of the order should be stayed, and upon what conditions, the Board may consider all relevant factors, including, but not limited, to the following:

- a. the severity of the violation(s);
- b. the actual or possible danger to the public resulting from the accused's past and present violation(s);
- c. the actual damage resulting from the accused's past and present violation(s);
- d. the number of past repetitions of the accused's present violation(s);
- e. the length of time since the occurrence of the accused's present violation(s);
- f. the number and seriousness of previous violations;
- g. the length of time the licensee has practiced;
- h. the deterrent effect of the penalty imposed;
- i. the effect of the penalty upon the accused's livelihood;
- j. any efforts of rehabilitation; and
- k. any other mitigating or aggravating circumstances.

Source: Miss. Code Ann. §73-13-15

**Rule 18.11 Costs** - The Board may, in its discretion, assess and tax all actual costs incurred in a disciplinary hearing against any accused found guilty hereunder, or the charging party, or both.

Source: Miss. Code Ann. §73-13-15

**Rule 18.12 Appeal** - Any person aggrieved by the action of the Board as a result of disciplinary proceedings conducted hereunder may appeal therefrom as provided for in Section 73-13-37(10) Mississippi Code Annotated (1972).

Source: Miss. Code Ann. §73-13-15

# Chapter 3

## Review of Disciplinary Cases

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The Mississippi Board of Licensure for Professional Engineers and Surveyors regulates the practice of engineering and surveying in the state through investigation and disciplinary authority granted by Title 73, Chapter 13 of the Mississippi Code. If an unlicensed person practices engineering or surveying, the Board is authorized to pursue legal action against that person. The Board is authorized to take disciplinary action against a licensee for violations of the licensure law or violations of the rules and regulations of the Board, including the Code of Conduct and the Standards of Surveying.

The Board office receives and processes complaints regarding engineering and surveying activities. Some investigations result in disciplinary actions while others result in administrative actions such as letters of education or closing unsubstantiated/insufficient complaints.

The following disciplinary cases, which occurred between May 1, 2017 through December 31, 2017, were extracted from the Board's website. In selecting these cases, different scenarios of violations are depicted along with their corresponding final decisions issued by the Board.

**CASE 1:**

Licensee agreed to a consent order for Standards of Practice of Surveying violation. A fine was levied, required to successfully complete the Mississippi Standards of Practice course and submit revised plats to Investigative Committee for review and approval.

**CASE 2:**

Licensee agreed to a consent order for Standards of Practice of Surveying violation. A fine was levied, required to submit revised plat to the Investigative Committee for review and approval.

**CASE 3:**

Licensee was convicted of a felony. License was revoked.

**CASE 4:**

Licensee agreed to a consent order for false certification of the online renewal process. A fine was levied.



# Appendix A

## References

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### **Mississippi Board of Licensure for Professional Engineers and Surveyors**

[https://www.pepls.state.ms.us/pepls/web.nsf/webpages/LN\\_HOME\\_PAGE\\_HOME?OpenDocument](https://www.pepls.state.ms.us/pepls/web.nsf/webpages/LN_HOME_PAGE_HOME?OpenDocument)

### **Mississippi Code of 1972**

[https://www.pepls.state.ms.us/pepls/web.nsf/webpageedit/Licensure\\_Law\\_PAGE\\_LL\\_PAGE\\_LL/\\$FILE/Law2015Final%20\(7%20%201%20%202015\).pdf?OpenElement](https://www.pepls.state.ms.us/pepls/web.nsf/webpageedit/Licensure_Law_PAGE_LL_PAGE_LL/$FILE/Law2015Final%20(7%20%201%20%202015).pdf?OpenElement)

### **Mississippi Rules and Regulations**

[https://www.pepls.state.ms.us/pepls/web.nsf/webpages/LN\\_RR\\_PAGE\\_RR/\\$FILE/Rule%20Book%2004-15-2017.pdf?OpenElement](https://www.pepls.state.ms.us/pepls/web.nsf/webpages/LN_RR_PAGE_RR/$FILE/Rule%20Book%2004-15-2017.pdf?OpenElement)

### **The Complaint Process**

[https://www.pepls.state.ms.us/pepls/web.nsf/webpages/LN\\_RC\\_PAGE\\_Complaints?OpenDocument](https://www.pepls.state.ms.us/pepls/web.nsf/webpages/LN_RC_PAGE_Complaints?OpenDocument)

### **Recent Disciplinary Actions**

[https://www.pepls.state.ms.us/pepls/web.nsf/webpages/LN\\_RDA\\_PAGE\\_RDA/\\$FILE/WebDisciplinaryActions%20for%20May%202017%20thru%20Dec%2031.pdf?OpenElement](https://www.pepls.state.ms.us/pepls/web.nsf/webpages/LN_RDA_PAGE_RDA/$FILE/WebDisciplinaryActions%20for%20May%202017%20thru%20Dec%2031.pdf?OpenElement)