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## **Engineering Laws, Rules, and Ethics for Nevada Professional Engineers**

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# Chapter 1

## Nevada Revised Statutes, Chapter 625 - Professional Engineers and Land Surveyors

### DISCIPLINARY AND OTHER ACTIONS

#### **NRS 625.410 Grounds for disciplinary or other action.**

Except as otherwise provided in subsection 6 of NRS 701.220, the Board may take disciplinary action against a licensee, an applicant for licensure, an intern or an applicant for certification as an intern for:

1. The practice of any fraud or deceit in obtaining or attempting to obtain or renew a license or cheating on any examination required by this chapter.
2. Any gross negligence, incompetency or misconduct in the practice of professional engineering as a professional engineer or in the practice of land surveying as a professional land surveyor.
3. Aiding or abetting any person in the violation of any provision of this chapter or regulation adopted by the Board.
4. Conviction of or entry of a plea of nolo contendere to any crime an essential element of which is dishonesty or which is directly related to the practice of engineering or land surveying.
5. A violation of any provision of this chapter or regulation adopted by the Board.
6. Discipline by another state or territory, the District of Columbia, a foreign country, the Federal Government or any other governmental agency, if at least one of the grounds for discipline is the same or substantially equivalent to any ground contained in this chapter.
7. Practicing after the license of the professional engineer or professional land surveyor has expired or has been suspended or revoked.
8. Failing to comply with an order issued by the Board.
9. Failing to provide requested information within 30 days after receipt of a request by the Board or its investigators concerning a complaint made to the Board.

*History: [Part 12:198:1919; added 1937, 491; A 1955, 391] — (NRS A 1961, 314; 1965, 1328; 1975, 140; 1977, 744; 1985, 1046; 1989, 787; 1991, 2245; 1997, 1051; 2003, 2705; 2015, 2153)*

**NRS 625.415 Suspension of license or certificate for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of license or certificate.**

[Effective until 2 years after the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license as a professional engineer or professional land surveyor or a certificate as an engineer intern or land surveyor intern, the Board shall deem the license or certificate issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license or certificate by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license or certificate has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license as a professional engineer or professional land surveyor or a certificate as an engineer intern or land surveyor intern that has been suspended by a district court pursuant to NRS 425.540 if the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license or certificate was suspended stating that the person whose license or certificate was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

*History: (Added to NRS by 1997, 2114; A 2005, 2807)*

**NRS 625.420 Filing of charges; commencement of action.**

1. Any person may file with the Board a charge concerning a violation of any provision of this chapter or regulation adopted by the Board against any person. The charges must be in writing and filed with the Board.

2. All charges, unless dismissed by the Board as unfounded or trivial, must be heard by the Board within a reasonable time. An action against a person may not be commenced by the filing of a formal complaint more than 1 year after the date on which the Board received the charges.

***Study Question 1:***

*Who may file with the Board a charge concerning a violation of the provisions of this chapter?*

*History: [Part 12:198:1919; added 1937, 491; A 1955, 391] — (NRS A 1975, 818; 1991, 2246; 1997, 1052)*

**NRS 625.425 Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records.**

1. Except as otherwise provided in NRS 239.0115, any information obtained during the course of an investigation by the Board and any record of an investigation is confidential. If no disciplinary action is taken against a licensee, an applicant for licensure, an intern or an applicant for certification as an intern, or no civil penalty is imposed pursuant to NRS 625.590, the information in his or her investigative file remains confidential.
2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.
3. The provisions of this section do not prohibit the Board or its employees from communicating and cooperating with another licensing board or any other agency that is investigating a person.

*History: (Added to NRS by 1991, 2237; A 1997, 1052; 2003, 3423; 2007, 2132)*

**NRS 625.430 Hearing; notice; summary suspension of license.**

1. The time and place for the hearing must be fixed by the Board, and notice of the time and place of hearing must be personally served on the person against whom a complaint has been filed with the Board or mailed to the person's last known address at least 30 days before the date fixed for the hearing.
2. The Board may suspend the license of a licensee without a hearing if the Board finds, based upon evidence in its possession, that the public health, safety or welfare imperatively requires summary suspension of the license and incorporates that finding in its order. If the Board summarily suspends the license of a licensee, a hearing must be held within 30 days after the suspension.

*History: [Part 12:198:1919; added 1937, 491; A 1955, 391] — (NRS A 1977, 88; 1991, 2246; 1997, 1053)*

**NRS 625.460 Authorized disciplinary or other action; private reprimands prohibited; orders imposing discipline deemed public records.**

1. If, after a hearing, a majority of the members of the Board present at the hearing vote in favor of finding the accused person guilty, the Board may:
  - (a) Revoke the license of the professional engineer or professional land surveyor or deny a license to the applicant;
  - (b) Suspend the license of the professional engineer or professional land surveyor;
  - (c) Issue an order to cease and desist against the licensee;
  - (d) Fine the licensee or applicant for licensure not more than \$15,000 for each violation of a provision of this chapter or any regulation adopted by the Board;
  - (e) Place the licensee or applicant for licensure on probation for such periods as it deems necessary and, if the Board deems appropriate, require the licensee or applicant for licensure

to pay restitution to clients or other persons who have suffered economic losses as a result of a violation of the provisions of this chapter or the regulations adopted by the Board; or

(f) Take such other disciplinary action as the Board deems appropriate.

2. The Board shall not issue a private reprimand.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

*History: [Part 12:198:1919; added 1937, 491; A 1955, 391] — (NRS A 1961, 314; 1975, 819; 1985, 1046; 1989, 788; 1991, 2247; 1993, 128; 1995, 48; 1997, 1053; 2003, 3424; 2019, 1530)*

**Study Question 2:**

*Under what condition may the Board reissue a license that has been previously revoked?*

**NRS 625.470 Reissuance of revoked license.**

The Board may reissue a license to any person whose license has been revoked if a majority of the members of the Board vote in favor of reissuance.

*History: [Part 12:198:1919; added 1937, 491; A 1955, 391] — (NRS A 1975, 819; 1997, 1053)*

**PROHIBITED ACTS; PENALTIES; ENFORCEMENT**

**NRS 625.510 Board to investigate complaint or violation of chapter; prosecution of violation.**

It shall be mandatory upon the Board:

1. To investigate any complaints or reported violations of any of the provisions of this chapter; and

2. To take the steps necessary to prosecute such violations if the Board deems it necessary.

*History: [18:198:1919; added 1955, 391]*

**NRS 625.520 Unlawful practice of engineering: Penalty; order to cease and desist; injunctive relief.**

1. Except as otherwise provided in subsection 4, it is unlawful for:

(a) Any person not properly licensed or exempted in accordance with the provisions of this chapter to:

(1) Practice, continue to practice, solicit to practice, offer to practice or attempt to practice engineering or any discipline thereof;

(2) Employ, use or cause to be used the term "licensed engineer," "professional engineer" or "registered engineer" or any combination, variation or abbreviation thereof as a professional or commercial identification, representation, claim, asset or means of advantage or benefit;

(3) Employ, use or cause to be used the term "engineer," "engineering" or "engineered" or any combination, variation or abbreviation thereof in connection with a discipline of professional engineering for which licensure is required pursuant to this chapter as a professional or commercial identification, representation, claim, asset or means of advantage or benefit without disclosing that the person is not qualified, registered or licensed to practice that discipline of professional engineering in this state; or

(4) Directly or indirectly employ any means which in any manner tends or is likely to mislead the public or any member thereof that any person is qualified or authorized to practice engineering.

(b) Any professional engineer to practice or offer to practice a discipline of professional engineering in which the Board has not qualified him or her.

(c) Any person to present or attempt to use, as his or her own, the license or stamp of another person.

(d) Any person to give any false or forged evidence of any kind to the Board or any member thereof in obtaining a license.

(e) Any person to impersonate a licensee of a like or different name.

(f) Any person to attempt to use an expired, suspended or revoked license.

(g) Any person to violate any of the provisions of this chapter.

2. If any person is engaging or is about to engage in any act or practice that constitutes a violation of this chapter:

(a) The Board may issue an order to cease and desist against the firm, partnership, corporation or other person; or

(b) The district court in any county which would have jurisdiction over the violation, may, upon application of the Board, issue an injunction or restraining order against the act or practice pursuant to Rule 65 of the Nevada Rules of Civil Procedure.

3. This section does not prevent a contractor licensed in accordance with the provisions of chapter 624 of NRS from using the term "engineer" or "engineering" if the term is used by the State Contractors' Board in describing a specific classification.

4. The provisions of subparagraph (3) of paragraph (a) of subsection 1 do not apply to any corporation using such a term in its corporate name, if the corporation:

(a) Files its articles of incorporation with the Secretary of State; and

(b) Files with the Board a written statement signed by a corporate officer under penalty of perjury in which the officer states that the corporation:

(1) Is not practicing or offering to practice engineering in this state; and

(2) Will not do so unless it is licensed or exempted in accordance with the provisions of this chapter.



5. Any person who violates any of the provisions of subsection 1 is guilty of a gross misdemeanor.

*History: [6:198:1919; A 1937, 491; 1947, 797; 1955, 391] — (NRS A 1961, 315; 1967, 639, 952; 1975, 817; 1977, 1057; 1981, 1344; 1985, 1047; 1991, 2247; 1997, 1054; 1999, 2440; 2019, 1530)*

**NRS 625.530 Restrictions upon public works; preferences for contracts.**

Except as otherwise provided in NRS 338.1711 to 338.173, inclusive, and 408.3875 to 408.3888, inclusive:

1. The State of Nevada or any of its political subdivisions, including a county, city or town, shall not engage in any public work requiring the practice of professional engineering or land surveying, unless the maps, plans, specifications, reports and estimates have been prepared by, and the work executed under the supervision of, a professional engineer, professional land surveyor or registered architect.

2. The provisions of this section do not:

(a) Apply to any public work wherein the expenditure for the complete project of which the work is a part does not exceed \$35,000.

(b) Include any maintenance work undertaken by the State of Nevada or its political subdivisions.

(c) Authorize a professional engineer, registered architect or professional land surveyor to practice in violation of any of the provisions of this chapter or chapter 623 of NRS.

(d) Require the services of an architect registered pursuant to the provisions of chapter 623 of NRS for the erection of buildings or structures manufactured in an industrial plant, if those buildings or structures meet the requirements of local building codes of the jurisdiction in which they are being erected.

3. The selection of a professional engineer, professional land surveyor or registered architect to perform services pursuant to subsection 1 must be made on the basis of the competence and qualifications of the engineer, land surveyor or architect for the type of services to be performed and not on the basis of competitive fees. If, after selection of the engineer, land surveyor or architect, an agreement upon a fair and reasonable fee cannot be reached with him or her, the public agency may terminate negotiations and select another engineer, land surveyor or architect. Except as otherwise provided in this subsection, in assigning the relative weight to each factor for selecting a professional engineer, professional land surveyor or registered architect pursuant to this subsection, the public agency shall assign, without limitation, a relative weight of 5 percent to the possession of a certificate of eligibility to receive a preference when competing for public works. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection relating to a preference when competing for public works, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that public work.

*History: [12a:198:1919; added 1947, 797; A 1949, 639; 1943 NCL § 2875.06a] — (NRS A 1967, 953; 1971, 774; 1973, 1700; 1975, 208; 1977, 320; 1983, 807; 1989, 788; 1997, 1055; 1999, 3489; 2001, 2022; 2003, 119; 2011, 3707)*

**NRS 625.565 Unlawful use of signature or stamp of professional engineer or professional land surveyor; regulations; penalty.**

1. A professional land surveyor may practice land surveying and prepare:
  - (a) Maps, plats, reports and descriptions; and
  - (b) Grading and drainage plans for residential subdivisions containing four lots or less, or other documentary evidence in connection therewith.
2. It is unlawful for a professional land surveyor to sign or stamp any map, plat, report, description, grading and drainage plan or other document relating to land surveying which was not prepared by the professional land surveyor or for which he or she did not have responsible charge of the work.
3. It is unlawful for a professional engineer to sign or stamp any plans, specifications or reports that were not prepared by the professional engineer or for which he or she did not have responsible charge of the work.
4. It is unlawful for any person to impress any documents with the stamp of a professional engineer or professional land surveyor after the license of the professional engineer or professional land surveyor named on the stamp has expired or has been suspended or revoked, unless the license has been renewed or reissued.
5. It is unlawful for any person to impress any documents with the stamp of a professional engineer or professional land surveyor after the professional engineer or professional land surveyor has retired from the practice of professional engineering or land surveying.
6. The Board shall, by regulation, prescribe additional requirements relating to the signing and stamping of documents produced by a professional engineer or a professional land surveyor.
7. A person who violates any of the provisions of this section is guilty of a gross misdemeanor.

***Study Question 3:***

*Should a professional engineer sign a document for which he or she did not have responsible charge of the work?*

*History: [Part 15:198:1919; added 1947, 797; A 1949, 639; 1953, 196; 1955, 391] — (NRS A 1961, 314; 1965, 1327; 1975, 1165; 1989, 785; 1991, 2244, 2470; 1993, 627, 628; 1997, 1047)*

**NRS 625.570 Public officer or employee prohibited from engaging in private practice of professional engineering or land surveying during certain hours.**

Any employee or officer who is employed on a full-time basis by the State, or a county, city or district thereof, who is paid a monthly or annual salary for his or her employment and

whose public duty includes the practice of professional engineering or the practice of land surveying as defined in this chapter shall not engage in the private practice of professional engineering or the private practice of land surveying during the hours when he or she is required to perform his or her duties for the State, county, city or district.

*History: [15:198:1919; added 1949, 639; 1943 NCL § 2875.05f] — (NRS A 1961, 316; 1975, 1164; 1997, 1056)*

**NRS 625.580 Violation of chapter by public officer; penalties.**

If a public officer violates a provision of this chapter, the Board shall impose a fine in an amount not to exceed \$5,000 and may require the public officer to forfeit the office.

*History: [12b:198:1919; added 1949, 639; 1943 NCL § 2875.06b] — (NRS A 1967, 640; 1997, 1056)*

**NRS 625.590 Additional civil penalty; enforcement.**

1. In addition to any other penalty provided by law, a person who violates any provision of this chapter or any regulation adopted by the Board is subject to a civil penalty of not more than \$15,000 for each violation. Any such penalty must be imposed by the Board at a hearing for which notice has been given pursuant to NRS 625.430.

2. If a person does not pay a civil penalty imposed pursuant to subsection 1 within 60 days after the order of the Board becomes final, the order may be executed upon in the same manner as a judgment issued by a court.

*History: (Added to NRS by 1991, 2237; A 1997, 1057)*

## Chapter 2

# Nevada Administrative Code, Chapter 625 - Professional Engineers and Land Surveyors

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### CODE OF CONDUCT

**NAC 625.510 Fundamental principles.** (NRS 625.140) A licensee shall uphold and advance the honor and dignity of the profession by maintaining high standards of ethical conduct. In particular, a licensee shall:

1. Be honest and impartial, and serve his or her employer, clients and the public with devotion;
2. Strive to increase the competence and prestige of the profession; and
3. Use his or her knowledge and skill for the advancement of human welfare.

*History: [Bd. of Reg'd Professional Eng'rs, § 625.510, eff. 8-16-78]—(NAC A 12-22-83)*

**NAC 625.520 Relations with the public.** (NRS 625.140) In a licensee's relations with the public, the licensee shall:

1. Have proper regard for the safety, health and welfare of the public in the performance of his or her professional duties.
2. Endeavor to extend public knowledge and appreciation of engineering or land surveying and its achievements, and oppose any untrue, unsupported or exaggerated statements regarding his or her profession.
3. Be dignified and modest in explaining his or her work and merit, uphold the honor and dignity of his or her profession and refrain from self-laudatory advertising.
4. Not express an opinion on any subject concerning engineering or land surveying unless the opinion is founded on adequate knowledge and honest conviction.
5. Preface any ex parte statements, criticism or arguments that he or she may issue by clearly indicating on whose behalf they are made.

*History: [Bd. of Reg'd Professional Eng'rs, § 625.520, eff. 8-16-78]—(NAC A 12-22-83)*

**NAC 625.530 Relations with employers and clients.** (NRS 625.140) In a professional engineer's or land surveyor's relations with his or her employers and clients, he or she shall:

1. Act in professional matters as a faithful agent or trustee for each employer or client.
2. Act fairly and justly toward vendors and contractors, and not accept from vendors or contractors any commission or allowances, directly or indirectly.
3. Inform the employer or client if he or she is financially interested in any vendor or contractor, or in any invention, machine or apparatus which is involved in a project or work of the employer or client, and not allow such an interest to affect his or her decisions regarding engineering or land surveying services which he or she may be called upon to perform.
4. Indicate to the employer or client the adverse consequences to be expected if his or her engineering or land surveying judgment is overruled.
5. Undertake only those engineering or land surveying assignments for which he or she is qualified and engage or advise the employer or client to engage specialists and cooperate with them whenever the employer's or client's interests are served best by such an arrangement.
6. Not disclose information concerning the ethical and confidential business affairs and proprietary technical processes of any former employer or client without express consent.
7. Not accept compensation, financial or otherwise, from more than one party for the same service, or for other services pertaining to the same work, without the consent of all interested parties.
8. While employed, not engage in supplementary employment or consulting practice except with the consent of the employer.

*History: [Bd. of Reg'd Professional Eng'rs, § 625.530, eff. 8-16-78]—(NAC A 12-22-83; A by Bd. of Reg'd Professional Eng'rs & Land Surv., 7-10-92)*

**NAC 625.540 Relations with other engineers or land surveyors.** (NRS 625.140) In his or her relations with other engineers or land surveyors, the licensee shall:

1. Take care that credit for engineering or land surveying work is given to those to whom credit is properly due.
2. Provide a prospective engineering or land surveying employee with complete information on working conditions and his or her proposed status of employment, and after employment keep him or her informed of any changes in them.
3. Endeavor to provide opportunity for the professional development and advancement of licensees in his or her employ or under his or her supervision.
4. Not maliciously injure the professional reputation, business prospects or practice of another engineer or land surveyor.

***Study Question 4:***

*How should a professional engineer respond if he or she has evidence that another licensee has committed an illegal act in his or her practice?*

5. If a licensee has evidence that another licensee has been unethical or unfair, or has committed an illegal act in his or her practice, notify the proper authorities.
6. Not compete unfairly with another licensee.
7. Cooperate in advancing the profession of engineering or land surveying by interchanging information and experience with other licensees and students, and by contributing information to public communication media and to the efforts of engineering, land surveying and scientific societies and schools.

*History: [Bd. of Reg'd Professional Eng'rs, § 625.540, eff. 8-16-78]—(NAC A by Bd. of Professional Eng'rs and Land Surv., 12-22-83; 12-9-87)*

**NAC 625.545 Written contract required for each client.** (NRS 625.140) Before performing any work, a licensee shall enter into a written contract with each client for whom the licensee will perform work. The written contract must include, without limitation, provisions specifying:

1. The scope of the work;
2. The cost for completion of the work; and
3. The anticipated date for completion of the work.

*History: (Added to NAC by Bd. of Professional Eng'rs & Land Surv. by R152-09, eff. 10-15-2010)*

**NAC 625.550 Licensee employed by governmental agency: Notification to Board of certain conduct by another licensee.** (NRS 625.140) Any person licensed pursuant to this chapter who is employed by any governmental entity shall notify the Board in writing when:

1. Another licensee has submitted substantially incomplete plans to the governmental entity;
2. The governmental entity has, on three or more occasions, rejected plans submitted by another licensee for the same project; or
3. Another licensee has failed timely to respond to correspondence from the governmental entity.

*History: (Added to NAC by Bd. of Reg'd Professional Eng'rs & Land Surv., eff. 9-13-85; A 9-1-93)*

**Study Question 5:**

*When should licensees employed by governmental entities notify to the board in writing?*

## Chapter 3

# Engineering Ethics and Principles of Professional Responsibility

### 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*).

### Principles of Professional Responsibility

We, as Professional Engineers, are expected to take reasonable precautions and care in fulfilling our engineering duties, and uphold the honor and integrity of our profession. To understand further what this means, let's review the following principles of professional responsibility:

- *You must hold the utmost safety, health, and welfare of the public when practicing your profession.*
- *You must perform services only in the areas of your competence.*
- *You must issue public statements in an objective and truthful manner.*
- *You must represent each employer or client as a faithful trustee and avoid conflicts of interest.*
- *You must build your professional reputation on the merit of your services and must avoid deceptive acts.*
- *You must conduct yourself honorably, responsibly, ethically, and lawfully so as to enhance the honor, reputation, and usefulness of the profession.*

Now, to understand further what these principles mean, let's review the ethical standards associated with each principle individually.

**1. How should you hold the utmost safety, health, and welfare of the public when practicing your profession?**

- a. If your professional judgment is overruled such that the safety, health and welfare of the public are compromised, you must inform your client, employer, or both of the possible outcomes or consequences.
- b. You shall only approve engineering documents that are in conformity with applicable standards.
- c. You shall not reveal any facts, data, or information without the prior consent of the client or employer except as authorized or required by law or this Code.
- d. You shall not permit the use of your name or associate in business ventures with any person or firm that you believe is engaged in fraudulent or dishonest enterprise.
- e. You shall not aid or abet the unlawful practice of engineering by a person or firm.
- f. If you are aware of any violation of engineering ethics, you shall report 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.

**2. What does it mean to perform services only in the areas of your competence?**

- a. You may conduct engineering work only when qualified by education or experience in the specific technical fields involved.
- b. You shall not affix your signature to any plans or documents dealing with subject matter in which you lack competence, nor to any plan or document not prepared under your supervisory guidance and control.
- c. You may accept assignments and assume responsibility for coordination of an entire project and sign and seal the engineering documents for the entire project, provided that each technical segment is signed and sealed only by the qualified engineers who prepared the segment.

**3. Under what conditions you may issue public statements?**

- a. You shall be objective and truthful in your professional reports, statements, or testimony, which shall include all relevant and pertinent information, and the date indicating when it was current.
- b. You may express technical opinions in public, provided that they are founded upon knowledge of the facts and competence in the subject matter.
- c. You shall issue no statements, criticisms, or arguments on technical matters that are inspired or paid for by interested parties, unless you have prefaced your comments by



explicitly identifying the interested parties on whose behalf you are speaking, and by revealing the existence of any interest you may have in the matters.

**4. How should you represent each employer or client as faithful agents or trustees, and avoid conflicts of interest?**

- a. You shall disclose all known or potential conflicts of interest that could influence or appear to influence your judgment or the quality of your services.
- b. You 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 and agreed to by all interested parties.
- c. You shall not solicit or accept financial or other valuable consideration, directly or indirectly, from outside agents in connection with the work for which you are responsible.
- d. When serving as a member, advisor, or employee of a governmental or quasi-governmental body or department you shall not participate in decisions with respect to services solicited or provided by you or your organization in private or public engineering practice.
- e. You shall not solicit or accept a contract from a governmental body on which a principal or officer of your organization serves as a member.

**Study Question 6:**

*Under what conditions you may accept compensation from more than one party for services pertaining to the same project?*

**5. How should you avoid deceptive acts?**

- a. You shall not falsify your qualifications or misrepresent any of your or your associates' qualifications. You shall not misrepresent or exaggerate your responsibility in or for the subject matter of prior assignments.
- b. You shall not offer, give, solicit, or receive, either directly or indirectly, any contribution to influence the award of a contract by public authority, or which may be reasonably construed by the public as having the effect or intent of influencing the awarding of a contract. You shall not offer any gift or other valuable consideration in order to secure work. You shall not pay a commission, percentage, or brokerage fee in order to secure work, except to a bona fide employee or bona fide established commercial or marketing agencies retained by them.

Now, let's review some of the professional obligations of engineers in the fulfillment of their duties.

**1. You shall be guided in all your relations by the highest standards of honesty and integrity.**

- a. You shall acknowledge your errors and shall not distort or alter the facts.

- b. You shall advise your clients or employers when you believe a project will not be successful.
- c. You shall not accept outside employment to the detriment of your regular work or interest. Before accepting any outside engineering employment, you will notify your employers.
- d. You shall not attempt to attract an engineer from another employer by false or misleading pretenses.
- e. You shall not promote your own interest at the expense of the dignity and integrity of the profession.
- f. You shall treat all persons with dignity, respect, fairness, and without discrimination.

**2. You shall at all times strive to serve the public interest.**

- a. You are encouraged to participate in civic affairs; career guidance for youths; and work for the advancement of the safety, health, and well-being of their community.
- b. You shall not complete, sign, or seal plans and/or specifications that are not in conformity with applicable engineering standards. If the client or employer insists on such unprofessional conduct, you shall notify the proper authorities and withdraw from further service on the project.
- c. You are encouraged to extend public knowledge and appreciation of engineering and its achievements.
- d. You are encouraged to adhere to the principles of sustainable development in order to protect the environment for future generations.
- e. You shall continue your professional development throughout your career and should keep current in your specialty fields by engaging in professional practice, participating in continuing education courses, reading in the technical literature, and attending professional meetings and seminar.

**3. You shall avoid all conduct or practice that deceives the public.**

- a. You shall avoid the use of statements containing a material misrepresentation of fact or omitting a material fact.
- b. Consistent with the foregoing, you may advertise for recruitment of personnel.
- c. Consistent with the foregoing, you may prepare articles for the lay or technical press, but such articles shall not imply credit to the author for work performed by others.

**4. You shall not disclose, without consent, confidential information concerning the business affairs or technical processes of any present or former client or employer, or public body on which you serve.**

- a. You shall not, without the consent of all interested parties, promote or arrange for new employment or practice in connection with a specific project for which the engineer has gained particular and specialized knowledge.

- b. You shall not, without the consent of all interested parties, participate in or represent an adversary interest in connection with a specific project or proceeding in which the engineer has gained particular specialized knowledge on behalf of a former client or employer.

**5. You shall not be influenced in your professional duties by conflicting interests.**

- a. You shall not accept financial or other considerations, including free engineering designs, from material or equipment suppliers for specifying their product.
- b. You shall not accept commissions or allowances, directly or indirectly, from contractors or other parties dealing with clients or employers of the engineer in connection with work for which you are responsible.

**6. You shall not attempt to obtain employment or advancement or professional engagements by untruthfully criticizing other engineers, or by other improper or questionable methods.**

- a. You shall not request, propose, or accept a commission on a contingent basis under circumstances in which your judgment may be compromised.
- b. In salaried positions, you shall accept part-time engineering work only to the extent consistent with policies of the employer and in accordance with ethical considerations.
- c. You shall not, without consent, use equipment, supplies, laboratory, or office facilities of an employer to carry on outside private practice.

**7. You shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other engineers. Engineers who believe others are guilty of unethical or illegal practice shall present such information to the proper authority for action.**

- a. During private practice, you shall not review the work of another engineer for the same client, except with the knowledge of such engineer, or unless the connection of such engineer with the work has been terminated.
- b. In governmental, industrial, or educational employ, you are entitled to review and evaluate the work of other engineers when so required by your employment duties.
- c. In sales or industrial employ, you are entitled to make engineering comparisons of represented products with products of other suppliers.

## Chapter 4

# Ethical and Disciplinary Case Studies

As explained in Chapters 1 to 3, we, as Professional Engineers, are expected to take reasonable precautions and care in the practice of our engineering profession as we must hold paramount the safety, health and welfare of the public. So, what happens when we fall short of our professional responsibilities for which we were entrusted by the public when we earned our honorable title of "Professional Engineer"?

The following ethical and disciplinary case studies are randomly selected and extracted from the Board's website, which depict the different scenarios of ethical violations of the Nevada Laws and Rules along with their resulting Final Orders issued by the Board.

Case No: 20210002

Case No: 20190009

Case No: 20190002

Case No: 20190007

For each individual case study, the applicability of the violations to the Nevada Laws and Rules is stated.

### **CASE NO:** 20210002

**VIOLATION:** *Signing and stamping work for which the licensee did not have responsible charge.*

#### **Case Review:**

The disciplinary action was a result of facts brought to the attention of the Board in February 2021 relating to the improper use and incorporation of another firm's work into electrical designs submitted by the Respondent for a certain project.

#### **Violations:**

The Respondent stipulated that he violated NAC 625.610(5) and NRS 625.565(3) by signing and stamping work for which he did not have responsible charge.

#### **Enforcement Action:**

Pursuant to NAC 625.640, a disciplinary matter may be resolved without a formal hearing by a Stipulated Agreement. To resolve the complaint, the Respondent and the State Board resolved this matter on the following basis:

(1) The Respondent shall pay an administrative fine of \$4,000.00 for his violations of NRS 625.565(3) and NAC 625.610(5) within 90 days of the board's approval of the stipulated agreement.

(2) The Respondent shall reimburse the State Board \$2,679.00 for legal fees incurred in this matter.

(3) The Respondent shall prepare and submit a whitepaper within 90 days of the Board's approval of the stipulated agreement on specified topics.

(4) The Respondent's Nevada license shall be suspended for twenty-four months following entry of this agreement, but with the suspension stayed and probation imposed for the duration of that time period.

**CASE NO:** 20190009

**VIOLATION:** *Practicing with an expired license.*

**Case Review:**

The Respondent allowed his license to lapse on January 1, 2018 and continued to practice professional engineering with an expired license until self-reporting to the Board on July 22, 2019.

**Violations:**

NRS 625.410 states that the Board may take disciplinary action against a licensee for practicing after the license of the professional engineer has expired or has been suspended or revoked.

**Enforcement Action:**

The Respondent and the State Board stipulated to the following terms for the above-referenced violation:

(1) The Respondent shall reimburse the State Board for legal fees incurred in this matter in the amount of \$738.25 within ninety days from the date of the State Board's approval of this Stipulated Agreement.

(2) The Respondent shall provide written notification to the developers of each project of the fact that the Respondent was unlicensed at the time he performed work, provide the developers with the opportunity to have the improperly stamped plans brought into compliance, and pay any and all costs associated therewith. The Respondent shall provide the State Board with a copy of each such written notification.

**CASE NO:** 20190002

**VIOLATION:** *Failing to provide a written contract for work proposed or completed*

**Case Review:**

The Respondent was hired to design a single-story residence in Nevada. However, the Respondent did not provide his client with a written contract for work proposed or completed.

**Violations:**

The Respondent's failure to provide a written contract to the complainant is a violation of NAC 625.545 which requires a written contract with each client setting forth the scope of work, cost, and anticipated date of completion of the work.

**Enforcement Action:**

The Respondent and the State Board stipulated to the following terms for the above-referenced violation(s):

- (1) The Respondent's Nevada license shall be suspended for the twelve months immediately following entry of this Agreement, with the suspension stayed and probation imposed for the duration of that time period.
- (2) The Respondent shall submit detailed bi-monthly probation reports to the Executive Director of the Nevada Board, which shall report any work completed in Nevada during the previous two-month period. A report shall be filed even if no work was performed in Nevada during the previous two-month period. The first report shall be due within two months of the effective date of the Stipulated Agreement. Each report shall include a copy of the contract executed for any work in Nevada, including the scope of work.
- (3) The Respondent's successful completion of probation is expressly conditioned upon his full compliance with the following conditions of probation:
  - (a) The Respondent shall issue a partial refund of fees to the complainant in the amount of \$3,850.00 and provide proof of payment to the State Board.
  - (b) The Respondent shall pay all legal fees and costs incurred by the State Board in the amount of \$1,707.50.

**Study Question 7:**

*Failure to provide a client with a written contract is a violation of which section of the Nevada Administrative Code?*

**CASE NO:** 20190007

**VIOLATION:** *Disciplinary action against a licensee for discipline by another state*

**Case Review:**

The Respondent self-reported disciplinary action imposed against his California professional engineer license by the California Board of Professional Engineers ("California Board"). The Respondent stipulated with the California Board to the following violations: (1) negligence, (2) incompetence, (3) unlicensed practice of land surveying, (4) unlawful use of the term "structural engineer," (5) failure to provide a written contract, and (6) unprofessional conduct.

**Violations:**

NRS 625.410 states that the Board may take disciplinary action against a licensee for discipline by another state or territory if at least one of the grounds for discipline is the same or substantially equivalent to any ground under Nevada law. The Nevada equivalent of the

California violations are as follows: NRS 625.410(2); NAC 625.630(1)(a); NAC 625.630(b); and NAC 625.545.

**Enforcement Action:**

The Respondent and the State Board stipulated to the following terms for the above-referenced violation(s):

(1) The Respondent's license shall be revoked following entry of this Agreement, with revocation stayed and probation imposed for a term of three years.

(2) The Respondent shall submit detailed bi-monthly probation reports to the Executive Director of the Nevada Board, which shall report any work completed in Nevada during the previous two-month period. A report shall be filed even if no work was performed in Nevada during the previous two-month period. The first report shall be due within two months of the effective date of this Stipulated Agreement. Each report shall include a copy of the contract executed for any work in Nevada, including the scope of work detail.

# Appendix A

## Answers to Study Questions

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### **Study Question 1:**

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**Who may file with the Board a charge concerning a violation of any provision of this chapter?**

Any person may file with the Board a charge concerning a violation of any provision of this chapter or regulation adopted by the Board against any person.

### **Study Question 2:**

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**Under what condition may the Board reissue a license that has been previously revoked?**

The Board may reissue a license to any person whose license has been revoked if a majority of the members of the Board vote in favor of reissuance.

### **Study Question 3:**

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**Should a professional engineer sign a document for which he or she did not have responsible charge of the work?**

No, it is unlawful for a professional engineer to sign or stamp any plans, specifications or reports that were not prepared by the professional engineer or for which he or she did not have responsible charge of the work.

### **Study Question 4:**

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**How should a professional engineer respond if he or she has evidence that another licensee has committed an illegal act in his or her practice?**

If a licensee has evidence that another licensee has been unethical or unfair, or has committed an illegal act in his or her practice, he or she shall notify the proper authorities.

### **Study Question 5:**

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**When should licensees employed by governmental entities notify to the board in writing?**



A licensee who is employed by any governmental entity shall notify the Board in writing when another licensee has submitted substantially incomplete plans to the governmental entity; when the governmental entity has, on three or more occasions, rejected plans submitted by another licensee for the same project; or when another licensee has failed timely to respond to correspondence from the governmental entity.

**Study Question 6:**

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**Under what conditions you may accept compensation from more than one party for services pertaining to the same project?**

You 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 and agreed to by all interested parties.

**Study Question 7:**

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**Failure to provide a client with a written contract is a violation of which section of the Nevada Administrative Code?**

Failure to provide a written contract to the client is a violation of NAC 625.545, which requires a written contract with each client setting forth the scope of work, cost, and anticipated date of completion of the work.

# Appendix B

## References

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Nevada Revised Statutes, Chapter 625 - Professional Engineers and Land Surveyors:

<https://www.leg.state.nv.us/NRS/NRS-625.html>

Nevada Administrative Code, Chapter 625 - Professional Engineers and Land Surveyors:

<https://www.leg.state.nv.us/NAC/NAC-625.html>

Nevada Board of Professional Engineers and Land Surveyors – Newsletter:

<https://nvbpels.org/newsletter/>

NSPE Code of Ethics for Engineers:

<https://www.nspe.org/resources/ethics/code-ethics>