

09.23.03.00

Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 23 BOARD FOR PROFESSIONAL ENGINEERS

Chapter 03 Code of Ethics

**Authority: Business Occupations and Professions Article, §§14-205, 14-208, and 14-4A-02,
Annotated Code of Maryland**

09.23.03.01

.01 Responsibility to the Public.

A licensee shall make every reasonable effort to protect the safety, health, property, and welfare of the public. If the licensee's professional judgement is overruled under circumstances when the safety, health, property, or welfare of the public is endangered, the licensee shall inform the employer or client of the possible consequences.

09.23.03.02

.02 Public Statements, Reports, and Testimony.

A. A licensee making public statements on engineering questions shall disclose when the licensee is being compensated for making the statement.

B. A licensee may express publicly a professional opinion on an engineering subject only when that opinion is founded upon adequate knowledge of the material facts and a background of technical competence in the subject matter.

C. In any professional report, statement, or testimony, a licensee may not be untruthful, deceptive, or misleading.

09.23.03.03

.03 Competency for Assignments Undertaken or Approved.

A. In practicing engineering, a licensee shall act with reasonable care and competence, and shall apply the technical knowledge and skills which are ordinarily applied by professional engineers of good standing, practicing in the same field of engineering.

B. A licensee may undertake to perform engineering assignments only when qualified to do so by education or experience, or both, in the specific field of engineering involved.

09.23.03.04

.04 Conflicts of Interest.

A. A licensee shall make every effort to avoid conflicts of interest with the employer or client. Whenever conflicts of interest appear unavoidable, however, the licensee shall disclose promptly and fully all the circumstances to the employer or client.

B. A licensee shall inform promptly an employer or client of any business association, interest, or circumstances which may influence the judgment or the quality of services rendered to the employer or client.

C. A licensee may not accept compensation, financial or other, from more than one party for services pertaining to a project unless full disclosure is made by the licensee to all interested parties.

D. A licensee may not solicit or accept financial or other valuable consideration from any material or equipment supplier for specifying the supplier's products, except when the licensee is a previously announced employee or agent of the supplier.

E. When acting as the interpreter of engineering documents and the judge of performance under the documents, a licensee shall render decisions impartially, not favoring either party to the documents.

09.23.03.05

.05 Full Disclosure.

A. A licensee shall accurately represent to a prospective or existing client or employer the licensee's qualifications and the scope of the licensee's responsibility in connection with work for which the licensee is claiming credit.

B. A licensee may not deliberately make a materially false statement or fail deliberately to disclose a material fact requested in connection with the licensee's application for licensure or renewal of licensure.

09.23.03.06

.06 Compliance with Laws.

A. In the conduct of the licensee's engineering practice, the licensee may not knowingly violate any state or federal criminal laws.

B. A licensee shall comply with the licensing laws and regulations governing the licensee's professional practice in this or any other jurisdiction in which the licensee practices engineering.

09.23.03.07

.07 Professional Conduct.

A. A licensee may not either offer or make any payment or gift to a government official, whether elected or appointed, with the intent of influencing the official's judgment in connection with a prospective or existing project in which the licensee is interested.

B. A licensee may not either offer or make any gifts, other than gifts of nominal value including, for example, reasonable entertainment and hospitality, with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the licensee is interested.

C. A licensee may not engage in conduct involving fraud or wanton disregard of the rights of others.

D. A licensee may not assist the application for licensure of a person known by the licensee to be unqualified in respect to education, training, experience, or character.

E. A licensee possessing knowledge of a violation of this chapter by another licensee shall report this knowledge to the Board.

09.23.03.08

.08 Names of Entities.

A. An individual, a partnership, a corporation, a limited liability company, or any other entity through which engineering is practiced, shall use a name that complies with appropriate requirements set forth in the Corporations and Associations Article, Annotated Code of Maryland, and Business Occupations and Professions Article, Title 14, Annotated Code of Maryland.

B. A business entity may not use the term "engineering" or any of its derivatives, unless that entity employs, on a regular basis, a licensed professional engineer.

C. A misleading designation may not be used or implied in the name of a sole proprietorship, partnership, or corporation, limited liability company, or any other entity offering engineering services in Maryland.

09.23.03.09

.09 Signing and Sealing Requirements.

A. A licensee may sign and seal plans, specifications, drawings, reports, or other documents that are required to be signed and sealed pursuant to the Business Occupations and Professions Article, §14-4A-02, Annotated Code of Maryland, only if the following requirements are met:

(1) The licensee is competent in the subject matter of those documents by virtue of education or experience, or both; and

(2) The licensee either:

(a) Personally prepared the documents, or

(b) Approved the documents.

B. Definition. For purposes of §A(2)(b) of this regulation, the term "approved" means that the licensee satisfied the following criteria:

(1) Had technical knowledge and responsible control over the content of technical submissions during their preparation; and

(2) Performed substantive review and had authority to make revisions with regard to the preparation of submissions described in this regulation.

C. A licensee may complete, correct, revise, or add to the work performed by another licensee when engaged to do so by a client, if the following requirements are met:

(1) The client furnishes the documentation of the work submitted to the client by the first licensee;

(2) The first licensee, if still engaged in a business of providing engineering services, is notified in writing by the second licensee of the engagement referred to in this section immediately upon acceptance of the engagement; and

(3) The second licensee signs, seals, and is responsible for the completions, corrections, revisions, or additions that the second licensee made.

D. Nothing in §C of this regulation is intended to relieve the first licensee from any liability that the first licensee is deemed to assume for work performed by the first licensee pursuant to the requirements set forth in this regulation.

E. Original Signature.

(1) A licensee who prepared or approved documents in accordance with the criteria set forth in this regulation shall place the licensee's original signature and date of the signature on the documents required to be signed and sealed pursuant to Business Occupations and Professions Article, §14-4A-02, Annotated Code of Maryland.

(2) For the purposes of this regulation, the term “original signature” means:

(a) A handwritten signature in permanent ink; or

(b) A digital signature, which satisfies the following requirements:

(i) It contains identification unique to a licensee using it, such as the licensee’s name and license number;

(ii) It is under the exclusive control of the licensee using it;

(iii) It cannot be repudiated and is independently verifiable; and

(iv) It is linked to the document in such a manner that the digital signature is invalidated if any data in the document is modified.

F. Nothing in this regulation is intended to modify any of the requirements applicable to professional certifications or titleblocks more specifically set forth in Regulation .10 of this chapter.

09.23.03.10

.10 Titleblock Rules.

A. A person may not remove a titleblock from any print or reproduction of the documents described in this chapter.

B. The titleblock shall contain at least the printed name of the engineering entity.

C. The directors of a corporation, partners of a partnership, or members of a limited liability company through which engineering is practiced, may designate another employee of the entity to sign and seal the documents in accordance with the requirements set forth in this chapter, if:

(1) The designee is licensed in the State to practice engineering; and

(2) The designee prepared or approved the documents for a particular project in accordance with this chapter.

D. Documents described in this chapter shall contain the following certification: "Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No._____, Expiration Date:_____."

E. The titleblock, certification, seal, and signature shall appear close to each other.

09.23.03.11

.11 Failure to Respond.

A licensee shall respond to the Board in writing within 20 days of receipt of a written communication directed to the licensee by the Board. Failure to respond as required by this regulation may be considered by the Board to be a violation of Business Occupations and Professions Article, §14-317(a)(1)(iv), Annotated Code of Maryland.