



District of Columbia – Regulations and Ethics for Professional Engineers

Three (3) Continuing Education Hours
Course #DC101

Approved Continuing Education for Licensed Professional
Engineers

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Course Description:

The District of Columbia Regulations and Ethics course presents all current regulations District of Columbia licensed professional engineers shall follow and also presents the cannons of ethics all professional engineers shall adhere to.

This course satisfies three (3) hours of continuing education including the **one (1) hour of required ethics.**

The course is designed as a distance learning interactive course that enables the practicing professional engineer to keep up to date on the legal aspects that govern the practice of engineering in the District of Columbia as well as revisit the emphasis that the holder of a professional license has a direct and vital impact on the safety, health, and welfare of the public.

Objectives:

The primary objective of this course is to familiarize the student with the standards of professional behavior for adherence to the highest principles of ethical conduct.

The secondary objective of this course is to familiarize the student with the laws and rules regulating the practice of engineering in the District of Columbia.

Upon successful completion of the course, the student will have a thorough understanding of ethical practices and be well versed with the DC regulations.

Grading:

Students must achieve a minimum score of 70% on the online quiz to pass this course.

The quiz may be taken as many times as necessary to successful pass and complete the course.

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DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS

CHAPTER 17-15. PROFESSIONAL ENGINEERS AND LAND SURVEYORS

1500 INTRODUCTION AND GENERAL PROVISIONS

- 1500.1 In order to safeguard life, health, and property, and promote the public welfare, the practice of engineering and/or land surveying in the District of Columbia is hereby declared to be subject to regulation in the public interest. It is further declared to be a matter of public interest and concern that the professions of engineering and land surveying merit and receive the confidence of the public and that only qualified persons be permitted to engage in the practice of engineering and land surveying. All provisions of this chapter relating to the practice of engineering and land surveying shall be construed in accordance with this declaration of policy.
- 1500.2 The adopted rules of procedure shall be consistent with District of Columbia law.
- 1500.3 Rules of procedure adopted by the Board of Professional Engineering (the Board) shall be binding upon persons licensed as Professional Engineers or Land Surveyors pursuant to the Non-Health Related Occupations and Professions Licensure Act of 1998, effective April 20, 1999, (D.C. Law 12-261; D.C. Official Code § 47-2853.01 et seq.) ("the Act").
- 1500.4 17 DCMR Chapter 33 shall supplement this Chapter. In the event of a conflict between 17 DCMR Chapter 33 and this Chapter or the Act, this Chapter and the Act shall control.

SOURCE: Final Rulemaking published at 54 DCR 8783 (September 7, 2007).

1502 ORGANIZATION OF THE BOARD

- 1502.1 Pursuant to D.C. Official Code § 47-2853.06(e), the Board shall consist of seven (7) members. Four (4) members shall be Professional Engineers licensed in various disciplines, two (2) members shall be Professional Land Surveyors, and one (1) member shall be a public member.
- 1502.2 The Mayor appoints the members of the Board, with the consent of the Council of the District of Columbia, to three-year terms. Members may serve on the Board for no more than three (3) consecutive three-year terms as long as the requirements set forth in D.C. Official Code § 47-2853.07 are met.
- 1502.3 At the first regularly scheduled meeting of each calendar year, the Board shall elect a chairperson. The Board may also choose to elect a vice chair and a treasurer. The vice chair shall preside at meetings or portions thereof when the chairperson is absent. The treasurer shall be responsible for budgeting, tracking, and controlling all Board expenditures.
- 1502.4 The Board shall hold at least four (4) meetings each year at times and places determined by the Board by resolution. The Board shall publish notice of all regular meetings at least one (1) week in advance in the D.C. Register. All meetings are open to the public, except meetings or portions of meetings which the Board closes for executive session.
- 1502.5 The Board may meet in committees smaller than the full Board, but of not less than three (3) members, for carrying out specific functions of the Board, provided that the full Board votes to approve any actions of such smaller committees.
- 1502.6 A quorum of the Board shall equal a majority of the number of legislated positions on the Board.
- 1502.7 After a quorum is established, a majority vote of those Board members present and voting is necessary for the Board to take any official action.
- 1502.8 The current edition of Roberts Rules of Order shall govern the normal proceedings of the Board. Exceptions include hearings that may be disciplinary in nature.
- 1502.9 Pursuant to D.C. Official Code § 47-2853.09(b), each member of the Board shall be entitled to receive compensation in accordance with D.C. Official Code § 1-611.08, and in addition shall be reimbursed for reasonable travel and other expenses incurred in the performance of their duties, subject to appropriations.

- 1502.10 All applications and requests for which the Board has prescribed a form shall be presented to the Board on the forms.
- 1502.11 Pursuant to the procedures and limitations set forth within Title 2, Chapter 5, subchapter II (Freedom of Information), of the D.C. Official Code, the public may request and receive copies of public records generated by the Board. The public shall direct all requests for copies of the Board's public records, as defined in D.C. Official Code § 2-502, to the Department of Consumer and Regulatory Affairs' Freedom of Information Officer.

SOURCE: Final Rulemaking published at 54 DCR 8783 (September 7, 2007).

1503 APPLICATIONS

- 1503.1 A person applying for licensure as a Professional Engineer or Professional Land Surveyor, or certification as an Engineer Intern or Land Surveyor Intern, shall present his or her qualifications to the Board on forms provided by the Board.
- 1503.2 All applications shall be completed as follows:
- (a) All applications for licensure shall be submitted on forms provided by the Board, but if the space provided on a Board form is inadequate, supplementary sheets of standard size (8.5 x 11 inch) white printer or photocopy paper may be submitted;
 - (b) In order to allow sufficient time for processing and for scheduling examinations, all applications that require examinations shall be filed with the Board at least ninety (90) days before the date set for the appropriate examinations;
 - (c) Withholding information, providing statements that are untrue, or misrepresenting facts may be cause for denial of an application, or if discovered after a license has been issued by the Board, suspension, reprimand, or revocation of the license;
 - (d) An applicant shall supply correct addresses for all references. In the event that a reference fails to respond to a Board inquiry, the Board may delay processing an application until either the reference replies to the Board or the applicant provides another reference that replies to the Board; and
 - (e) In relating experience, the applicant must account for all employment and work experience since the beginning of the

applicant's experience record. If the applicant is not employed, or is employed in other kinds of work, this should be indicated in the experience record. A person who believes that he or she has the necessary qualifications for licensure according to the laws of the District of Columbia as a Professional Engineer or a Professional Land Surveyor, except for that of experience, may submit an application for certification as an Engineer Intern or a Land Surveyor Intern.

- 1503.3 For applicants for licensure by reciprocity or endorsement pursuant to D.C. Official Code § 47-2853.12(b), the Board shall accept licensure records which have been compiled, verified, and submitted by the National Council of Examiners for Engineering and Surveying (NCEES). Copies of documents contained in the NCEES licensure record will be accepted in lieu of original or certified documents which would otherwise be required. Applicants remain responsible for providing any additional, required documentation or information.

SOURCE: Final Rulemaking published at 54 DCR 8783 (September 7, 2007); as amended by Final Rulemaking published at 61 DCR 1273 (February 14, 2014).

1504 APPLICATIONS FROM FOREIGN APPLICANTS AND PERSONS WITH DEGREES FROM FOREIGN SCHOOLS

- 1504.1 All foreign language documentation submitted with the completed application shall be accompanied by certified translations of each individual document. The translator shall send the translation report directly to the Board for review.
- 1504.2 An applicant shall be able to speak and write in English. The Board may require the applicant prove his or her English proficiency by providing a certified copy of his or her score on the Test of English as a Foreign Language (TOEFL) examination showing a score of 500 or greater.
- 1504.3 An applicant who, for political or other reasons deemed valid by the Board, is unable to obtain his or her college transcript shall be required to supplement his or her application as directed by the Board.
- 1504.4 The Board shall evaluate foreign degrees in accordance with NCEES standards and recommendations on foreign engineering curricula. A transcript evaluation submitted pursuant to § 1508.7 of this chapter shall serve as the Board's guide for assessment.

1504.5 An applicant possessing a current Professional Engineer license or Professional Land Surveyor license issued by an appropriate licensing authority of a foreign jurisdiction may be permitted to obtain a license in the District of Columbia if the applicant proves, to the satisfaction of the Board, that he or she otherwise qualifies for licensure under this chapter, has passed an examination acceptable to the Board, and has completed education and training requirements for licensure in the foreign jurisdiction that were substantially equivalent, at the time they were received by the applicant, to the education and experience requirements of this chapter.

SOURCE: Final Rulemaking published at 54 DCR 8783 (September 7, 2007); as amended by Final Rulemaking published at 61 DCR 1273 (February 14, 2014).

1505 APPROVAL OR DENIAL OF APPLICATIONS

1505.1 Applications may be approved or denied.

- (a) When the Board approves an application showing that the applicant has met all the requirements for licensure required by District of Columbia law, the applicant shall be granted licensure or admitted to examination with notification by the Board. The Board may ask an applicant for additional information prior to approving or denying an application.
- (b) When the Board intends to deny an application for a license, the Board shall give the applicant notice and opportunity for a hearing unless the Board intends to deny the application for one or more of the following reasons:
 - 1. The applicant failed to pay the required fees;
 - 2. The applicant failed to complete the application;
 - 3. The applicant failed to pass the required written examination;
 - 4. The applicant failed to meet the minimum age, education, or experience requirements; or
 - 5. For any other reason set forth in law or regulation and there are no material facts at issue.

- (c) The Board may hold the hearing referred to in section 1505.1(b) and section 1506 or the Board may, by majority vote, refer the matter to the Office of Administrative Hearings (OAH).

SOURCE: Final Rulemaking published at 54 DCR 8783 (September 7, 2007).

1506 RECONSIDERATION OF APPLICATIONS

- 1506.1 A request for a hearing shall be made within twenty (20) days after the applicant has been notified that the Board intends to deny the original application.
- 1506.2 The Board shall send notice of the hearing to the applicant by certified mail to the last known address of the applicant no less than fifteen (15) days before the hearing.
- 1506.3 The hearing shall be held by at least a quorum of the Board.
- 1506.4 Evidence, including oral testimony, shall be freely admitted. The applicant shall be allowed to have counsel present.
- 1506.5 The Board shall issue a final decision within ninety (90) days of the hearing date. The applicant shall be notified of the decision.

SOURCE: Final Rulemaking published at 54 DCR 8783 (September 7, 2007).

1507 FEES

- 1507.1 The Director may change the fee schedule by regulation in accordance with the Act and Mayor's Order 2000-70.
- 1507.2 The licensure fee, the application fee, and, if applicable, the examination fee(s), for Professional Engineers, Professional Land Surveyors, Engineer Interns, or Land Surveyor Interns shall accompany the application.
- 1507.3 An application received without the proper fee shall be returned to the applicant.
- 1507.4 Application and examination fees are non-refundable.
- 1507.5 Renewal fees are payable pursuant to § 1513 of this Chapter.
- 1507.6 Each licensee will be notified by the Board of the expiration date of his/her license and the amount of the renewal fee at least one (1) month before the expiration date.

1507.7 Pursuant to 17 DCMR 3305, a person failing to renew a license prior to the license expiration date shall be required to pay a late fee or, when appropriate, apply for reinstatement and pay a reinstatement fee.

1507.8 The Department may assess a fee for the issuance of a duplicate license certificate to a licensee.

SOURCE: Final Rulemaking published at 54 DCR 8783 (September 7, 2007).

1508 EDUCATION REQUIREMENTS

1508.1 An applicant for certification as an Engineer Intern must have obtained a four-year baccalaureate engineering degree from an engineering program approved by the Board in accordance with § 1508.2, or must be currently enrolled and within one (1) semester of completing a baccalaureate degree in engineering in an engineering program which has been approved by the Board. The current enrollment status of the applicant, if applicable, must be verified by the educational institution.

1508.2 An applicant for licensure as a Professional Engineer must have obtained a four-year baccalaureate engineering degree from an engineering program approved by the Board. The Board will approve baccalaureate degree programs that meet the following standards:

- (a) The baccalaureate engineering degree program held accreditation from the Engineering Accreditation Commission of the Accreditation Board for Engineering Technology (EAC/ABET) at the time the applicant received the degree;
- (b) The baccalaureate engineering degree program received accreditation from EAC/ABET within three years after the date that the applicant received the degree; or
- (c) The baccalaureate degree program was not accredited by EAC/ABET, but the Board has determined, in accordance with EAC/ABET standards, that the program or combined coursework completed by the applicant is substantially equivalent to programs that are accredited by EAC/ABET. A transcript evaluation submitted pursuant to § 1508.7 of this section shall serve as the Board's guide for assessment.

1508.3 An applicant for certification as an Land Surveyor Intern must have obtained a four-year baccalaureate land surveying degree from a land surveying

program approved by the Board in accordance with § 1508.4, or must be currently enrolled and within one (1) semester of completing a baccalaureate degree in land surveying in a land surveying program which has been approved by the Board. The current enrollment status of the applicant, if applicable, must be verified by the educational institution.

1508.4 An applicant for licensure as a Professional Land Surveyor, who is not licensed under the laws of another state, must have obtained a four-year baccalaureate land surveying degree from a land surveying program approved by the Board. The Board shall approve land surveying programs that meet the following standards:

- (a) The college or university awarding the baccalaureate land surveying degree must be accredited by an accrediting agency or state approval agency located in the state or territory where the main campus of the college or university is located, which is recognized by the U.S. Secretary of Education as a "reliable authority as to the quality of postsecondary education" within the meaning of the Higher Education Act of 1965 (HEA);
- (b) The baccalaureate land surveying program was accredited by EAC/ABET, the Applied Science Accreditation Commission of ABET (ASAC/ABET), or the Technology Accreditation Commission of ABET (TAC/ABET) (collectively, the ABET Commissions) at the time the applicant received the degree;
- (c) The baccalaureate land surveying program received accreditation from one of the ABET Commissions within three years after the date that the applicant received the degree; or
- (d) The baccalaureate degree program was not accredited by one of the ABET Commissions, but the Board has determined, in accordance with ABET standards, that the program or combined coursework completed by the applicant is substantially equivalent to programs that are accredited by the ABET Commissions. A transcript evaluation submitted pursuant to § 1508.7 of this section shall serve as the Board's guide for assessment.

1508.5 An applicant for licensure as a Professional Land Surveyor who is licensed and in good standing under the laws of another state, and who does not hold a four-year baccalaureate land surveying degree from an approved program, must demonstrate the attainment of a minimum of 12 years of

combined education and experience, having taken at least one course of land surveying at an institution which was accredited in accordance with § 1508.4(a). Acceptable courses are those courses in the various kinds and facets of land surveying that have been evaluated and approved by this Board as being substantially equivalent to those curricula that are accredited by the ABET Commissions. Acceptable experience must meet the requirements of § 1509 of this chapter.

1508.6 Applicants are responsible for verifying the approval status of degree programs used to satisfy the Board's education requirements, and may do so by contacting the Board.

1508.7 An applicant for licensure as a Professional Engineer or Professional Land Surveyor, or certification as an Engineer Intern or Land Surveyor Intern, with a baccalaureate degree from a program that is not accredited in accordance with this section, must submit an evaluation of his or her college transcript(s), including any post-baccalaureate coursework. The transcript evaluation must be conducted by an approved credential evaluation service which evaluates completed coursework in accordance with EAC/ABET and ABET Commissions standards.

SOURCE: Final Rulemaking published at 54 DCR 8783 (September 7, 2007); as amended by Final Rulemaking published at 61 DCR 1273 (February 14, 2014).

1509 EXPERIENCE REQUIREMENTS

1509.1 A person applying for licensure as a Professional Engineer shall prove to the satisfaction of the Board that he or she has obtained four (4) or more years of experience indicating that he or she may be competent to practice engineering. In evaluating an applicant's experience, the Board shall consider the following:

- (a) Experience must be progressive on engineering projects to indicate that it is of increasing quality and requiring greater responsibility.
- (b) Only work of an engineering nature, which follows graduation from a Board approved curriculum, is creditable.
- (c) Experience shall not have been obtained in violation of the Act.
- (d) Experience gained in the armed services, to be creditable, must be of a character equivalent to that which would have been gained in

the civilian sector doing similar work. The Board expects that the applicant, while in the armed services, served in an engineering or engineering-related group.

- (e) Experience should be gained under the supervision of a licensed professional engineer or, if the experience was gained without supervision, an explanation should be provided showing why the experience should be considered acceptable.
- (f) For sales experience to be creditable, it must be demonstrated that engineering principles were required and used in gaining the experience.
- (g) Teaching experience, to be creditable, must be in engineering or engineering-related courses at an advanced level in a college or university offering an engineering curriculum of four (4) years or more that is approved by the Board.
- (h) Experience gained in engineering research and design projects by members of an engineering faculty where the Board approves the curriculum is creditable.
- (i) Successful completion of graduate study leading to the master's degree in engineering that has followed a baccalaureate degree in engineering may be used for credit for one (1) year's experience. If the Ph.D. in engineering is completed under the same conditions, two (2) years' total experience may be credited. The two (2) years' credit includes the one (1) year for the master's degree. If the Ph.D. is obtained without the master's degree, the credit for experience may be two (2) years.
- (j) Experience may not be anticipated. The experience must have been gained by the time of the application.
- (k) Experience in construction, to be creditable, must demonstrate the application of engineering principles.
- (l) Experience should include demonstration of knowledge of engineering mathematics, physical and applied science, properties of materials, and the fundamental principles of engineering design.
- (m) Experience should include demonstration of the application of engineering principles to the practical solution of engineering problems.

- 1509.2 A person applying for licensure as a Professional Land Surveyor shall prove to the satisfaction of the Board that he or she has obtained no less than four (4) years of experience indicating that he or she may be competent to practice land surveying. In evaluating an applicant's experience, the Board shall consider the following:
- (a) Experience on land surveying projects shall be progressive to indicate that it is of increasing quality and requiring greater responsibility on the part of the applicant.
 - (b) Experience shall not be obtained in violation of the Act.
 - (c) Experience gained in the armed services, to be creditable, must be of a character equivalent to that which would have been gained in the civilian sector doing similar work. The Board expects that the applicant, while in the armed services, served in a land surveying group.
 - (d) Experience should be gained under the supervision of a licensed Professional Land Surveyor or, if the experience was gained without supervision, an explanation should be provided showing why the experience should be considered acceptable.
 - (e) Teaching experience, to be creditable, must be at an advanced level in a land surveying curriculum approved by the Board.
 - (f) A substantial portion of the experience must be obtained in responsible charge of work related to property conveyance and/or boundary line determination.
 - (g) The applicant must demonstrate adequate experience in the technical field aspects of the profession.

SOURCE: Final Rulemaking published at 54 DCR 8783 (September 7, 2007); as amended by Final Rulemaking published at 61 DCR 1273 (February 14, 2014).

1510 REFERENCES

- 1510.1 Each applicant shall provide the Board with the names and current addresses for the required number of references. References are individuals who should have personal knowledge of an applicant and who are able to issue judgments concerning an applicant's experience, ability, character, or reputation.

- 1510.2 For licensure as a Professional Engineer or Professional Land Surveyor, an applicant must submit five (5) references, three (3) of whom shall be professional engineers or professional land surveyors having personal knowledge of the applicant's engineering or land surveying experience. In addition, for each employment period, persons familiar with the applicant's experience for that period shall be given as references. Professional Engineer applicants shall have Professional Engineer references, and Professional Land Surveyor applicants shall have Professional Land Surveyor references.
- 1510.3 A person applying for licensure as an Engineer Intern or Land Surveyor Intern shall provide at least three (3) character references.
- 1510.4 Each reference shall be verified.
- 1510.5 Relatives shall not be used as references.
- 1510.6 No current Board member shall be used as a reference.
- 1510.7 Each applicant should inform the persons being used as references that the applicant has submitted their name as a reference.
- 1510.8 It is the responsibility of the applicant to assure his or her references return the completed reference form to the Board within a reasonable time. This includes educational transcripts and verification of licensure in other jurisdictions. All reference materials shall be submitted before the Board will take action on an application.
- 1510.9 Replies received from references regarding the qualifications of an applicant shall be placed in files that are considered non-public records. The source and character of the information will not be divulged except when required by law.

SOURCE: Final Rulemaking published at 54 DCR 8783 (September 7, 2007).

1511 EXAMINATIONS

- 1511.1 Each applicant for licensure or certification must pass the applicable written examination(s) to be eligible for licensure by the Board.
- 1511.2 The following engineering examinations prepared and furnished by the National Council of Examiners for Engineering and Surveying (NCEES) meet the requirements of the District of Columbia for licensure as a Professional Engineer:

- (a) Examination in the fundamentals of engineering, known as the Fundamentals of Engineering (FE) examination; and
 - (b) Examination in the principles and practice of engineering, known as the Principles and Practice of Engineering (PE) examination in the appropriate engineering discipline.
- 1511.3 An applicant for certification as an Engineer Intern shall submit verification that he or she has passed the FE examination. An individual seeking to sit for the FE examination must apply directly to NCEES.
- 1511.4 An applicant for licensure as a Professional Engineer shall be eligible to sit for the PE examination as follows:
- (a) An applicant for licensure as a Professional Engineer will be permitted to sit for the PE examination upon satisfactorily fulfilling all application requirements.
 - (b) No applicant may register or sit for the PE examination until the Board has established that the applicant is eligible for the examination.
 - (c) An applicant for licensure as a Professional Engineer will not be permitted to sit for the PE examination until the FE examination has been passed.
 - (d) Professional Engineers are examined by discipline and shall select the discipline for examination on the application. Engineering specialties are listed in § 1512 of this chapter.
- 1511.5 The following examinations meet the requirements of the District of Columbia for licensure as a Professional Land Surveyor:
- (a) Examination in the fundamentals of land surveying prepared and furnished by the NCEES, known as the Fundamentals of Land Surveying (FLS) examination;
 - (b) Examination in the principles and practice of land surveying prepared and furnished by the NCEES, known as the Principles and Practice of Land Surveying (PLS) examination; and
 - (c) Examination on the laws and procedures for the practice of land surveying in the District of Columbia, known as the District law examination.

- 1511.6 An applicant for certification as a Land Surveyor Intern shall submit verification that he or she has passed the FLS examination. An individual seeking to sit for the FLS examination must apply directly to NCEES.
- 1511.7 An applicant for licensure as a Professional Land Surveyor shall be eligible for the appropriate examination as follows:
- (a) An applicant for licensure as a Professional Land Surveyor will be permitted to sit for the PLS and/or District law examination upon satisfactorily fulfilling all application requirements.
 - (b) No applicant may register or sit for the PLS or District law examination until the Board has established that the applicant is eligible for the examination.
 - (c) An applicant for licensure as a Professional Land Surveyor will not be permitted to sit for the PLS examination until the FLS examination has been passed.
- 1511.8 Examinations are offered on dates and times set by the NCEES and at locations designated by NCEES or the Board.
- 1511.9 Examinations will be given in English.
- 1511.10 The Board will not distribute copies of questions used on prior examinations.
- 1511.11 The Board may publish specifications for all written examinations, which may be obtained from the Board upon request by persons who have been approved by the Board to take the national and/or District examination.
- 1511.12 Instructions provided prior to each examination will declare an examination open or closed book. When an applicant sits for an open-book examination, any books, bound materials of any sort, and Board-approved calculators or computers that are self-powered and non-printing may be used. Examinees shall not loan or exchange materials with any other person.
- 1511.13 If an applicant fails to attend an examination for which he or she has been scheduled, the examination fee will be forfeited. In the case of illness, death in the family, or other unavoidable causes for absence the fee will be applied to the next test administration.
- 1511.14 Failure of an applicant to attend an examination for which he or she has been scheduled to attend does not count as a failure of the examination.
- 1511.15 An applicant who fails to pass the first or second PE or PLS examination will be granted a request to sit for a third offering of the examination. In the

event the applicant fails to pass a third examination and wishes to retake the examination, the Board may require the applicant to wait a prescribed period of time before taking the examination again and/or appear before the Board with evidence to show that he or she has acquired additional knowledge.

1511.16 An initial applicant for the PE or PLS examinations must submit an application at least ninety (90) days before the examination date in order to sit for the examination. An applicant for re-examination must apply to take the examination at least sixty (60) days before the examination date in order to sit for the examination.

1511.17 Examination results, after review and approval of the passing score, will be supplied in writing to each examinee showing the applicant's score and the passing score. No results will be given in any other manner.

SOURCE: Final Rulemaking published at 54 DCR 8783 (September 7, 2007); as amended by Final Rulemaking published at 61 DCR 1273 (February 14, 2014).

1512 CLASSIFICATIONS AND DISCIPLINES OF ENGINEERING AND LAND SURVEYING

1512.1 An engineering applicant shall be licensed under one of the following classifications:

- (a) Engineer Intern - by graduation and examination; or
- (b) Professional Engineer - by graduation, experience, and examination after having been licensed as an Engineer Intern, or by reciprocity or endorsement.
- (c) Professional Engineers may be licensed in one or more of the following engineering disciplines;
 - 1. Aeronautical/Aerospace;
 - 2. Agricultural;
 - 3. Architectural;
 - 4. Ceramic;
 - 5. Chemical;
 - 6. Civil;
 - 7. Civil/Structural/Sanitary;

8. Control Systems;
9. Electrical;
10. Environmental;
11. Fire Protection;
12. Industrial;
13. Manufacturing;
14. Mining/Mineral;
15. Marine;
16. Mechanical;
17. Metallurgical;
18. Nuclear;
19. Petroleum;
20. Sanitary; and
21. Structural;

- (d) Professional Engineers may be licensed in a discipline not listed in (c) above if an engineering examination for that discipline has been prepared and furnished by the National Council of Examiners for Engineering and Surveying, and the applicant meets the requirements of the District of Columbia for licensure as an engineer.

1512.2 A land surveying applicant shall be licensed under one of the following classifications:

- (a) Land Surveyor Intern - by education and experience; or
- (b) Professional Land Surveyor - by experience and examination after having been licensed as a Land Surveyor Intern or by reciprocity or endorsement and examination.

SOURCE: Final Rulemaking published at 54 DCR 8783 (September 7, 2007).

1513 LICENSE EXPIRATION AND RENEWAL

- 1513.1 Licenses are valid for two (2) years and expire on the 31st day of August of each even numbered year. The Board shall follow the following procedure when mailing renewal notices to licensees:
- (a) The Board shall mail, or send via electronic means, a renewal notice to the last known physical address or email address of every person licensed by the Board at least thirty (30) days prior to the end of the license cycle.
 - (b) Subject to subparagraph (c) of this section, the renewal application and fees must be received by the Board prior to the expiration date of the license.
 - (c) A holder of a license who fails to renew before the expiration date may renew the license within sixty (60) days after expiration upon paying the required late fee. Upon renewal, the holder shall be deemed to have possessed a valid license during the period between the expiration of the license and its renewal.
- 1513.2 If a holder of a license fails to renew the license within sixty (60) days after its expiration, the license shall be deemed to have lapsed on the date of expiration and the holder shall be required to apply for reinstatement of the expired license and pay the required reinstatement fee.
- 1513.3 The responsibility for the timely renewal of a licensee's license rests solely with the individual licensee.

SOURCE: Final Rulemaking published at 54 DCR 8783 (September 7, 2007).

1514 INACTIVE LICENSURE STATUS

- 1514.1 A licensee may apply for inactive status by submitting a completed inactive status application and paying the appropriate inactive status fee.
- 1514.2 A person who is on inactive status shall not be required to pay the biennial renewal fee and shall not practice, offer to practice, or attempt to practice as a Professional Engineer or Professional Land Surveyor in the District.
- 1514.3 A person may remain on inactive status for up to five (5) years.

- 1514.4 A person on inactive status may reactivate his or her license at any time within five (5) years by notifying the Board and by paying appropriate fees and by meeting all requirements of the Board for license renewal including the demonstration of continuing professional competency as a condition of reinstatement.
- 1514.5 If a person seeking to return to active status has been on inactive status for five (5) years or more, that person shall be considered a new applicant and shall be required to meet all current requirements for licensure, unless the Board in its discretion determines that the failure to renew within the five (5) year inactive period was due to reasonable cause or excusable neglect.
- 1514.6 In the event an inactive licensee does not maintain a current license in any jurisdiction for the five (5) years prior to requesting reinstatement, that person will be required to take the Principles and Practice of Engineering (PE) examination or the Principles and Practice of Land Surveying (PLS) and the District of Columbia specific examination.

SOURCE: Final Rulemaking published at 54 DCR 8783 (September 7, 2007).

1515 REINSTATEMENT OF AN EXPIRED LICENSE

- 1515.1 A person may apply for reinstatement of an expired license any time within five (5) years of the date that the license expired by submitting a completed reinstatement application and paying the appropriate fees.
- 1515.2 The Board shall approve an application for reinstatement of an expired license if the applicant complies with current requirements for license renewal and submits satisfactory evidence of compliance with any continuing education requirements established by the Board in this chapter.
- 1515.3 The Board shall not reinstate the license of a person who fails to apply for reinstatement within five (5) years after the last valid license held by the person has expired. A person who is ineligible to apply for reinstatement of an expired license may become licensed only by meeting the requirements for obtaining an initial license.
- 1515.4 The applicant for reinstatement may be required to demonstrate to the Board that he or she has maintained the required minimum level of professional competence in a manner acceptable to the Board.

SOURCE: Final Rulemaking published at 54 DCR 8783 (September 7, 2007).

1516 SEALS

- 1516.1 The Board shall adopt and have an official seal, which shall be affixed to each certificate of licensure.
- 1516.2 When an applicant is granted licensure, he or she may obtain an engineer's or land surveyor's seal, as appropriate.
- 1516.3 The seal and signature of the licensee shall be placed on all final engineering specifications, reports, drawings, plans, design information, and calculations or land surveys, reports, plats, drawings, plans, and calculations whenever presented to a client or any public agency to certify that the work thereon was done by the licensee or under control of the licensee.
- 1516.4 All seals shall contain the following information:
- (a) District of Columbia;
 - (b) Licensee's name;
 - (c) License number;
 - (d) The words "Professional Engineer" or "Professional Surveyor", as appropriate; and
 - (e) Any other information requested by the Board.
- 1516.5 Working drawings or documents that are unfinished, in-progress drawings or other documents may or may not have a seal and signature. A working drawing or document must, however, contain a statement to the effect "PRELIMINARY, NOT FOR CONSTRUCTION, RECORDING PURPOSES, OR IMPLEMENTATION."
- 1516.6 The seal and signature shall be placed on all original copy, tracings or other reproducible documents so that the seal and signature will be reproduced when copies are made.
- 1516.7 When the document contains more than one (1) sheet, the first or title page shall be sealed and signed by all involved in the work or those who controlled the work and are responsible for it. In addition, each drawing shall be sealed and signed by the licensee or licensees responsible for each sheet.

1516.8 The seal and signature shall be placed on work only when it was under the licensee's complete direction and control.

1516.9 Computer-generated seals not signed with a digital signature may be used on final original drawings provided a handwritten signature is placed adjacent to or across the seal and the date is written below the stamp. Drawings, specifications, plans, reports, or documents which do not require certification may be transmitted electronically but shall have the generated seal, if any, removed before transmitting and shall have the following inserted in lieu of the signature and date:

"This document originally issued and sealed by (name of licensee), P.E.# _____/P.L.S.# _____ on (date of sealing). This document should not be considered a certified document."

1516.10 Drawings, reports, or documents that are signed using a digital signature, as defined in these Rules, shall contain the following:

- (a) An authentication procedure that includes the following elements:
 - 1. A unique signature;
 - 2. Capability to verify the source;
 - 3. Sole control by the person using it; and
 - 4. A link to the document in such a manner that the digital signature is invalidated if any data in the document is changed; and
- (b) A list of the hardware, software, and parameters used to prepare the document(s).

SOURCE: Final Rulemaking published at 54 DCR 8783 (September 7, 2007); as amended by Final Rulemaking published at 61 DCR 1273 (February 14, 2014).

1517 PROFESSIONAL CONDUCT

1517.1 In order to safeguard the life, health, property and welfare of the public and to establish and maintain a high standard of integrity, skills, and practice in the professions of engineering and land surveying, the following rules of professional conduct shall be binding upon every person holding a certificate of licensure as a Professional Engineer or Professional

Land Surveyor (licensee), and on all business entities authorized to offer or perform engineering or land surveying services in the District of Columbia.

- 1517.2 All persons licensed under the provisions of this Chapter are charged with having knowledge of the existence of the rules of professional conduct, and shall be deemed to be familiar with their several provisions and to understand them.
- 1517.3 The licensee shall conduct the practice in order to protect the public health, safety, and welfare.
- 1517.4 The licensee shall, at all times, recognize the primary obligation to protect the public in the performance of his or her professional duties. If the licensee's engineering or land surveying judgment is overruled under circumstances where the safety, health, and welfare of the public are endangered, the licensee shall inform the employer, the contractor, and the appropriate regulatory agency of the possible consequences of the situation.
- 1517.5 The licensee shall perform services only in areas of the licensee's competence and:
- (a) Shall undertake to perform engineering and land surveying assignments only when qualified by education and experience in the specific technical field of professional engineering or land surveying involved.
 - (b) May accept an assignment or project requiring education or experience outside of the licensee's own field of competence, but only to the extent that the services are restricted to those portions or disciplines of the project in which the licensee is qualified. All other portions or disciplines of such project shall be performed by associates, consultants, or employees who are licensed and competent in those portions or disciplines.
 - (c) Shall not affix the signature or seal to any engineering or land surveying plan or document dealing with subject matter for which the licensee lacks competence by virtue of education or experience, nor to any such plan or document not prepared under the licensee's direct supervisory control.
 1. Direct supervisory control (responsible charge) requires a licensee or employee to carry out client contacts, provide

internal and external financial control, oversee employee training, and exercise control and supervision over all job requirements to include research, planning, design, field supervision and work product review.

- i. A licensee shall not contract with a non-licensed individual to provide these professional services.
 - ii. Research, such as title searches and soil testing, may be contracted to a non-licensed individual, provided that individual is qualified or licensed to provide such service and provided the licensee reviews the work.
2. The licensee may affix the seal and signature to drawings and documents depicting the work of two or more professionals provided it is designated by a note under the seal the specific subject matter for which each is responsible.

1517.6 The licensee shall issue public statements only in an objective and truthful manner and:

- (a) Shall be objective and truthful in all professional reports, statements, or testimony. The licensee shall include all relevant and pertinent information in such reports, statements, or testimony.
- (b) 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 the licensee's testimony.
- (c) Shall issue no statements, criticisms, or arguments on engineering or land surveying matters connected with public policy which are inspired or paid for by an interested party, or parties, unless the licensee has prefaced the comment by explicitly identifying the licensee's name, by disclosing the identities of the party or parties on whose behalf the licensee is speaking, and by revealing the existence of any pecuniary interest the licensee may have in the instant matters.
- (d) Shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or

employment of another engineer or land surveyor, nor indiscriminately criticize another engineer or land surveyor's work in public. Indiscriminate criticism includes statements without valid basis or cause; statements that are not objective and truthful; or statements that fail to include all relevant and pertinent information. If the licensee believes that another engineer or land surveyor is guilty of misconduct or illegal practice, such information shall be presented to the Board.

- 1517.7 The licensee shall avoid conflicts of interest and:
- (a) Shall promptly inform the employer or client and any reviewing agency of any business association, interests, or circumstances that could influence judgment or the quality of services.
 - (b) 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 to, and agreed to, by all interested parties.
 - (c) Shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products.
 - (d) Shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with the client or employer in connection with work for which the licensee is responsible.
 - (e) When in public service as a member, advisor, or employee of a governmental body or department, shall not participate in considerations or actions with respect to services provided by the licensee or the licensee's organization in private engineering and land surveying practices.
 - (f) Shall not solicit or accept an engineering or land surveying contract from a governmental body on which a principal or officer of the licensee's organization serves as a member.
 - (g) Shall not attempt to supplant another engineer or land surveyor in a particular employment after becoming aware that the other has been selected for the employment.

- 1517.8 The licensee shall solicit or accept work only based on qualifications and:

- (a) Shall not offer, either directly or indirectly, to pay a commission, political contribution, gift, or any other consideration in order to secure work. Notwithstanding the foregoing, licensees are permitted to pay employment agencies fees for services rendered in securing salaried positions.
- (b) Shall compete for employment based on professional qualification and competence to perform the work. The licensee shall not solicit or submit proposals for professional services containing a false, fraudulent, misleading, deceptive, or unfair statement or claim regarding the cost, quality, or extent of services to be rendered.
- (c) Shall, with regard to fee bidding on public projects for the District of Columbia, comply with the provisions of 27 DCMR Chapter 26, "Construction And Architect-Engineer Contracts" and for federal projects, 40 U.S. Code 541 et seq. (the Brooks Act); and shall not knowingly cooperate in a violation of any provision of 27 DCMR Chapter 26 or of the Brooks Act.
- (d) Shall not falsify or permit misrepresentation of academic or professional qualifications and shall only report educational qualifications when a degree or certificate was awarded, unless it is clearly stated that no degree or certificate was awarded. The licensee shall not misrepresent 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 employers, employees, associates, joint ventures, or past accomplishments with the intent and purpose of enhancing qualifications and work.

1517.9 The Licensee shall perform services in an ethical and lawful manner and:

- (a) Shall not knowingly associate with or permit the use of the licensee's name or firm name in a business venture by any person or firm which the licensee knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature or is not properly licensed.
- (b) If the licensee has knowledge or reason to believe that another person or firm may be in violation of any of these provisions or of D.C. Law 12-261, shall present such information to the Board in writing and shall cooperate with the Board in furnishing such

further information or assistance as may be required by the Board. The licensee shall timely respond to all inquiries and correspondence from the Board and shall timely claim correspondence from the U. S. Postal Service, or other delivery service, sent to the licensee from the Board.

- 1517.10 A Professional Engineer or Professional Land Surveyor who has received a reprimand or civil penalty or whose professional license is revoked, suspended, denied, or surrendered because of disciplinary action by another jurisdiction shall be subject to discipline by the Board if the licensee's action constitutes a violation of D.C. Law 12-261 or the rules adopted by the Board.

SOURCE: Final Rulemaking published at 54 DCR 8783 (September 7, 2007).

1518 CONDUCT OF ADVERTISING

- 1518.1 The Professional Engineer or Professional Land Surveyor shall not make exaggerated, misleading, deceptive, or false statements or claims about professional qualifications, experience, or performance in brochures, correspondence, listings, or other public communications.
- 1518.2 The prohibitions listed in subsection 1518.1 include, but are not limited to, the use of statements containing a material misrepresentation of fact or omitting a material fact necessary to keep the statement from being misleading; statements intended or likely to create an unjustified expectation; and statements containing a prediction of future success.
- 1518.3 Consistent with the prohibitions set out in subsection 1518.2, the Professional Engineer or Professional Land Surveyor may advertise for recruitment of personnel.
- 1518.4 Consistent with the prohibitions set out in subsection 1518.2, the Professional Engineer or Professional Land Surveyor may prepare articles for the lay or technical press. Such articles shall not imply credit to the author for work performed by others.

SOURCE: Final Rulemaking published at 54 DCR 8783 (September 7, 2007).

1519 COMPLIANCE

- 1519.1 A person must be licensed pursuant to this chapter and the Act to practice or offer to practice engineering or land surveying in the District of Columbia, except as exempted by D.C. Official Code §47-2886.10.
- 1519.2 No person shall use the words "engineer," "engineering," "land surveyor," "land surveying" or any modification or derivative thereof in any form indicating or tending to indicate that he or she is licensed by the Board unless he or she possesses a valid license as a Professional Engineer or Land Surveyor issued by the Board.
- 1519.3 Any person presenting or attempting to use the certificate of licensure or the seal of another, or any person who shall give any false or forged evidence of any kind to the Board or any member thereof in obtaining or attempting to obtain a certificate of licensure, or any person who shall falsely impersonate any other licensee of like or different name, or any person who shall attempt to use an expired or revoked or non-existent certificate of licensure, or who shall practice or offer to practice when not qualified, or any person who falsely claims that he/she is licensed under these Rules, or any person who shall violate any of the provisions of these Rules shall be in violation of these Rules.
- 1519.4 Any individual licensed with this Board to perform land surveying services shall comply with the minimum standards codified for land surveys in the District of Columbia.

SOURCE: Final Rulemaking published at 54 DCR 8783 (September 7, 2007).

1520 DISCIPLINARY ACTIONS, NOTICE, AND HEARING

- 1520.1 A person may make a complaint to the Board regarding a licensee's conduct by contacting the Department in writing.
- 1520.2 The Department shall forward the written complaint to the Board and the Board shall review the complaint and decide whether to direct the Department to investigate the matter.
- 1520.3 The Board, after receiving an investigation report from the Department regarding a complaint alleging that a licensee violated any provision of this chapter or the Act, may vote to initiate disciplinary proceedings against a licensee. A hearing is required when the Board intends to pursue one of the following penalties:

- (a) A civil fine;
- (b) A written reprimand;
- (c) A license suspension;
- (d) A refusal to renew a license;
- (e) A license revocation; or
- (f) Deny a license application pursuant to the reasons set forth in section 1505.1(b) of this chapter.

- 1520.4 If, by majority vote, the full Board elects to refer the matter to the Office of the Attorney General to initiate disciplinary proceedings, the Board may, instead of conducting the disciplinary hearing before the full Board, elect to convene a small committee of three (3) or more Board members for the purposes of holding the disciplinary hearing and rendering a recommended decision.
- 1520.5 When a small committee conducts a disciplinary hearing in lieu of the full Board, the full Board must ratify the committee's recommended decision for that decision to have legal effect against the applicant or licensee.
- 1520.6 Notwithstanding subsections 1520.3 and 1520.4, and pursuant to D.C. Official Code § 2-1831.03(i), the Board may, by majority vote, elect to refer a disciplinary hearing to the Office of Administrative Hearings (OAH) for adjudication. If the Board elects to refer a hearing to OAH for adjudication, the Board shall abide by the applicable law and regulations governing OAH hearings, decisions, and orders, and shall only assume jurisdiction over the matter in an appellate capacity.
- 1520.7 When the Board elects to refer the matter to the Office of the Attorney General to initiate disciplinary proceedings, the Office of the Attorney General shall prepare a notice of hearing and shall serve the document upon the applicant or licensee personally or by certified mail no less than thirty (30) days before the hearing. If the Board has elected to have OAH conduct the hearing, the Office of the Attorney General shall comply with the notice procedures implemented by OAH as set forth in 1 DCMR Chapter 28 and 1 DCMR Chapter 29, whichever is applicable, and not the notice procedures set forth in this chapter unless otherwise required by OAH.

- 1520.8 The notice of hearing shall state that the Board intends to hold a hearing on the matter not less than thirty (30) days after service of the notice is made upon the licensee. The notice shall contain the following:
- (a) The time, place, and nature of the hearing;
 - (b) A statement of legal authority and jurisdiction under which the hearing is to be held;
 - (c) A reference to the particular section of the statutes and rules involved; and
 - (d) A short and plain statement of the matters asserted.
- 1520.9 The notice of hearing shall indicate that the applicant or licensee shall have the right to appear with or without counsel, shall have the right to cross-examine witnesses in his or her defense, and shall have the right to produce evidence and witnesses.
- 1520.10 If the applicant or licensee fails or refuses to appear for the scheduled hearing and the Board has not granted a continuance, the Board may proceed with the hearing and render a decision and order.

SOURCE: Final Rulemaking published at 54 DCR 8783 (September 7, 2007).

1521 CONDUCT OF HEARINGS

- 1521.1 The chairperson of the Board shall preside over hearings and shall rule on all questions of evidence and procedure with the advice of the attorney advisor for the Board.
- 1521.2 The Board shall apply the rules of evidence governing civil matters in the Superior Court of the District of Columbia and, pursuant to D.C. Official Code § 2-509, shall exclude irrelevant, immaterial, or unduly repetitious evidence.
- 1521.3 Objection to evidentiary offers may be made by any party to the proceeding and objections shall be noted in the record.
- 1521.4 When a hearing will be expedited and the interest of the parties involved will not be prejudiced substantially, any part of the evidence may be received in written form.
- 1521.5 Documentary evidence may be received in the form of copies or excerpts if the original is not readily available.

- 1521.6 The Assistant Attorney General litigating the matter may elect to address the Board with an opening statement that may be followed by a statement from the licensee. After opening statements are made, the Assistant Attorney General litigating the matter shall present evidence to the Board. Upon the conclusion of the government's case, the licensee may present evidence to the Board. Parties may cross-examine and re-direct witnesses, and may re-examine their own witnesses if permitted to do so by the Board. Closing statements by both parties are permitted.
- 1521.7 The Board may take judicial notice of cognizable facts or generally recognized technical or scientific facts within the Board's specialized knowledge.
- 1521.8 Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed.
- 1521.9 The Board may utilize its experience, technical competence, and specialized knowledge in evaluating evidence.
- 1521.10 The record of hearing shall include:
- (a) All motions, intermediate rulings, and depositions;
 - (b) All documentary evidence received or reviewed;
 - (c) A statement of matters officially noted;
 - (d) Offers of proof, objections, and rulings thereon;
 - (e) Proposed findings and exceptions;
 - (f) Any decision, opinion, or report by the chairperson presiding at the hearing; and
 - (g) All testimony and oral argument presented at the hearing that is recorded for transcription purposes.
- 1521.11 The Board shall issue an order within ninety (90) days of the date of the close of the hearing or the record. It shall include and shall state separately:
- (a) Findings of fact that are based exclusively on the evidence and on matters officially noticed, supported by concise and explicit statements of the underlying facts supporting the findings; and

(b) Conclusions of law.

1521.12 The licensee shall be delivered a copy of the decision by hand delivery or by first class mail, postage prepaid, with return receipt requested. The attorneys of record for both parties shall be mailed a copy of the order.

1521.13 Upon an order by the Board in which the licensee is found in violation of the charges proffered, the Board may levy a civil fine not to exceed \$5000.00, and/or reprimand, suspend, refuse to renew, or revoke the licensee's license.

1521.14 At its discretion, the Board may stay, permanently or temporarily, the execution of its order conditioned on any provision the Board believes appropriate under the circumstances for the case.

SOURCE: Final Rulemaking published at 54 DCR 8783 (September 7, 2007).

1522 REINSTATEMENT OF LICENSURE OR CERTIFICATION AFTER REVOCATION

1522.1 Upon petition of a former licensee, the Board may reissue a certificate of licensure or authorization if a majority of the members of the Board vote in favor of such issuance.

1522.2 The Board, for reasons it may deem sufficient, may reissue a certificate of licensure to any person whose certificate has been revoked.

SOURCE: Final Rulemaking published at 54 DCR 8783 (September 7, 2007).

1523 CONFLICT AND BIAS

1523.1 No Board member shall participate in any disciplinary proceeding where there is the appearance of a conflict of interest.

SOURCE: Final Rulemaking published at 54 DCR 8783 (September 7, 2007).

1524 PUBLIC INQUIRIES AND COMMENTS

1524.1 Members of the public may attend all public meetings of the Board and may address the Board on matters within the Board's jurisdiction.

1524.2 Members of the public that wish to speak at a public meeting shall submit a request to speak at the beginning of the meeting and indicate the topic

that he or she wishes to address. The Chairperson may designate the time(s) during the meeting when members of the public may speak.

SOURCE: Final Rulemaking published at 54 DCR 8783 (September 7, 2007).

1525 DECLARATORY ORDERS

- 1525.1 A declaratory order is a District of Columbia agency response to a request by a member of the public who has inquired about the applicability of the Act, these rules, or any other statute enforceable by the Board, to terminate a controversy other than a contested case or to remove uncertainty regarding the application of a rule or statute to a specific factual situation.
- 1525.2 The Board may issue a declaratory order to a person who is affected by a statutory provision or rule and who makes a written inquiry regarding the Board's interpretation of any statutory provision or of any regulation or order of the Board.
- 1525.3 Sufficient facts must be supplied to the Board in the request to provide the Board with a basis for the issuance of a declaratory order and must include in detail the reasons for uncertainty as to the applicability of the Act, these rules, or other statutes enforceable by the Board or state in detail why a controversy exists.
- 1525.4 A request for declaratory ruling must specifically state that it is a request for a declaratory order.
- 1525.5 A declaratory order will be provided in accordance with the laws of the District of Columbia.
- 1525.6 The Board may decline to issue a declaratory order for any reason permitted by law and any decision by the Board not to issue such an order shall not be subject to review by the Mayor or any court in the District of Columbia.
- 1525.7 All facts set out in a request for a declaratory order shall be supported by sworn affidavit of the requestor. If the Board determines that further facts are necessary, it shall request the writer to provide those facts by written affidavit or may receive those facts by stipulation at a non-contested case fact-finding hearing.
- 1525.8 Any declaratory order issued by the Board shall be binding on the requestor as regards the state of facts established pursuant to subsection

1525.3. If the requestor is a licensee, failure to adhere to the decision of the Board, as set out in the declaratory order, shall subject the requestor to the issuance of a notice to show cause why he or she should not be disciplined pursuant to D.C. Official Code § 47-2853.17. If the requestor is an applicant for a license and fails to adhere to the decision of the Board, the Board shall take such steps as are necessary and authorized by law to enforce the provisions of its declaratory order.

1525.9 Any requestor who is aggrieved by a declaratory order or who disagrees with the declaratory order in any respect may appeal the order by petitioning the Board, in writing, within twenty (20) calendar days after issuance of the declaratory order, to reconsider its order, and by setting forth in detail newly discovered facts or by setting forth legal argument which shows one (1) or more errors of law in the Board's order or seeking judicial review of the Board's order as permitted under D.C. Official Code § 2-508.

1525.10 All declaratory orders of the Board determined to be in the public interest in accordance with D.C. Official Code § 2-552, shall be published in the D.C. Register and shall be available for public inspection and copying at a reasonable charge at the offices of the Board.

1525.11 Any declaratory order issued by the Board shall set out with particularity the Board's findings of fact and conclusions of law as regards the matter at issue. If the circumstances so warrant, the declaratory order may include an order by the Board to the requestor to cease and desist any practice or activity that violates applicable statutes or this subtitle.

SOURCE: Final Rulemaking published at 54 DCR 8783 (September 7, 2007).

1526 CONTINUING EDUCATION REQUIREMENTS FOR RENEWAL OR REINSTATEMENT OF A LICENSE

1526.1 This section shall apply to all applicants for the renewal or reinstatement of a license to practice as a land surveyor or professional engineer, except those applicants seeking first renewal of a license granted by examination.

1526.2 An applicant for renewal of a license to practice as a land surveyor shall attest to having completed no less than twelve (12) hours of acceptable continuing professional education during the term of the license, to include the following:

- (a) No less than eight (8) hours of surveying education specific to the District of Columbia; and
 - (b) At least one (1) hour on the subject of professional ethics.
- 1526.3 An applicant for renewal of a license to practice as a professional engineer shall attest to having completed no less than twenty (20) hours of acceptable continuing professional education, to include at least one (1) hour on the subject of professional ethics, during the term of the license.
- 1526.4 An applicant for reinstatement of an expired license or renewal of an inactive license to practice as a land surveyor shall attest to having completed, no more than two (2) years prior to the date of application, at least six (6) hours of credit in approved continuing education programs for each year the license was expired or inactive, up to a maximum of twenty-four (24) hours, and shall include the following:
 - (a) No less than eight (8) hours of surveying education specific to the District of Columbia; and
 - (b) At least one (1) hour on the subject of professional ethics.
- 1526.5 An applicant for reinstatement of an expired license or renewal of an inactive license to practice as a professional engineer shall attest to having completed ten (10) hours of credit in approved continuing education programs for each year the license was expired or inactive, up to a maximum of forty (40) hours, and shall include no less than one (1) hour on the subject of professional ethics. To be creditable, courses shall not have been completed more than two (2) years prior to the date of application.
- 1526.6 An applicant under this section shall report the completion of required continuing education credits by submitting with the renewal or reinstatement application the following information with respect to each program:
 - (a) The name of the sponsor of the program;
 - (b) The name of the program and a description of the subject matter covered;
 - (c) The dates on which the applicant attended the program; and

(d) The hours of credit claimed.

1526.7 A continuing education credit shall be valid only if it is part of a program approved by the Board in accordance with § 1527 of this chapter. Licensees are responsible for ensuring that continuing education courses taken to satisfy the Board's renewal or reinstatement requirements are approved by the Board.

1526.8 An applicant for the renewal of a license who fails to complete the continuing education requirements by or before the expiration date may renew the license within sixty (60) days after expiration by completing the outstanding hours and by paying the required late fee. Any hours obtained after licensure expiration and claimed for late renewal shall not be creditable for the next renewal period. Upon renewal, the Board shall deem the applicant to have possessed a valid license during the period between the expiration of the license and its renewal.

1526.9 If an applicant for the renewal of a license fails to complete the continuing education requirements within sixty (60) days after the expiration of the applicant's license, the license shall be deemed to have lapsed on the date of expiration, and the applicant shall be required to apply for reinstatement of the expired license pursuant to § 3308 of this title.

1526.10 The Board may grant an extension of the sixty (60) day period to renew after expiration if the applicant's failure to complete continuing education requirements was for good cause. For purposes of this subsection, "good cause" includes proof of the following:

(a) Serious and protracted illness of the applicant, who submits a doctor's statement verifying the illness;

(b) The death or serious and protracted illness of a member of the applicant's immediate family, which death or illness resulted in the applicant's inability to complete the continuing education requirements within the specified time. For the purposes of this subsection, the term "immediate family" means the applicant's spouse and any parent, brother, sister, or child of the applicant and the spouse of any such parent, brother, sister, or child; or

(c) Active military service.

- 1526.11 An extension granted under this section shall not relieve an applicant from complying with the continuing education requirement for the next renewal period.
SOURCE: Final Rulemaking published at 66 DCR 9806 (August 2, 2019).

1527 APPROVED CONTINUING EDUCATION PROGRAMS

- 1527.1 The Board, in its sole discretion, may approve continuing education programs or activities that contribute to the growth of an applicant in professional competence in the practices of land surveying and professional engineering and which meet the other requirements of this section.
- 1527.2 A continuing education program shall be deemed approved by the Board if the offering is approved, provided or sponsored by one of the following:
- (a) National Society of Professional Engineers (NSPE), American Society of Civil Engineers (ASCE), and any other recognized national or state society of professional engineers;
 - (b) District of Columbia Association of Land Surveyors (DCALS) and any other recognized national or state society of land surveyors;
 - (c) National Council of Examiners for Engineering and Surveying (NCEES);
 - (d) A licensing board of another jurisdiction that regulates the practice of land surveying or professional engineering;
 - (e) Federal or state agencies offering training in land surveying or professional engineering; and
 - (f) Accredited colleges and universities offering training in land surveying or professional engineering.
- 1527.3 The Board may grant up to six (6) hours of continuing education credits for each of the following activities, if consistent with the requirements of § 1527.1:
- (a) Completion of an undergraduate or graduate course given at an accredited college or university;

- (b) Performing the initial development, substantial updating, or the initial teaching of a conference program or an academic course;
- (c) Authoring or editing a published book, a published chapter in a book, or a published article in a professional journal or other nationally recognized publication; or
- (d) Serving on a committee or task force that addresses technical and regulatory issues related to the professional practice of land surveying or professional engineering.

SOURCE: Final Rulemaking published at 66 DCR 9806 (August 2, 2019).

1528 CONTINUING EDUCATION: RECORDKEEPING AND AUDIT REQUIREMENTS

- 1528.1 A licensee shall be responsible for documenting his or her completion of the required continuing education, and shall bear the burden of providing satisfactory proof of completion and establishing that any program or activity for which credit is claimed merits approval in accordance with § 1527.
- 1528.2 A licensee shall retain course documentation for four (4) years after completing a continuing education program or activity for which credit is claimed. Acceptable documentation shall include, but is not limited to, the following:
- (a) A certificate of successful completion from the sponsor or provider which includes the following information:
 - (1) The name of the sponsor of the program;
 - (2) The name of the program and a description of the subject matter covered;
 - (3) The dates on which the licensee attended the program; and
 - (4) The hours of credit earned; and
 - (b) A copy of the course outline prepared by the course sponsor;

- (c) In the case of courses taken at accredited universities and colleges, proof of satisfactory completion of the course;
 - (d) In the case of licensees claiming credit for publication of a technical paper, article, or book, satisfactory proof of its publication; or
 - (e) Other comparable proof deemed satisfactory by the Board.
- 1528.3 The Board may, as it deems appropriate, conduct an audit of active licensees to determine compliance with the continuing education requirements.
- 1528.4 Upon notification by the Board that a licensee has been selected for an audit, the licensee shall submit proof of his or her compliance with the continuing education requirements in accordance with § 1526 within thirty (30) days of receipt of the notice.
- 1528.5 A licensee who fails to provide proof of continuing education compliance during an audit may be subject to another audit in the subsequent licensure term.
- 1528.6 If the Board determines that the licensee has not met his or her continuing education requirement in accordance § 1526, the Board may either grant an additional period of time in which the deficiencies can be cured, or impose disciplinary action in accordance with the Act.

SOURCE: Final Rulemaking published at 66 DCR 9806 (August 2, 2019).

1599 DEFINITIONS

1599.1 As used in this chapter, the following terms have the meaning ascribed:

Board - The District of Columbia Board of Professional Engineering.

Department - Unless otherwise defined, the Department of Consumer and Regulatory Affairs.

Digital Signature - An electronic authentication process attached to or logically associated with an electronic document utilizing technology that meets the National Institute of Standards and Technology (NIST) standards for security and privacy to provide the same degree

of assurance and certainty as the traditional "paper and ink" method of signatures.

Director - The Director of the Department of Consumer and Regulatory Affairs.

Engineering -

- (a) **Engineer** - A person who is qualified to practice engineering by reason of special knowledge and use of the mathematical, physical, and engineering sciences and the principles and methods of engineering analysis and design, acquired by engineering education and engineering experience.
- (b) **Professional Engineer** - A person who has been duly licensed as a professional engineer by the Board. The Board may designate a professional engineer, based on education, experience, and examination, as being licensed in a specific discipline or branch of engineering signifying the area in which the engineer has demonstrated competence.
- (c) **Engineer Intern** - A person who has met the educational requirements, passed the required examination, and has been granted certification as an engineer intern or engineer-in-training by the Board, or a similar authority of another jurisdiction.
- (d) **Practice of Engineering** - Any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences, provided in consultation, investigation, expert technical testimony, evaluation, planning, design and design coordination of engineering works and systems, planning the use of land, air, and water, teaching advanced engineering subjects, performing engineering surveys and studies, and the review of construction for the purpose of monitoring compliance with drawings and specifications, any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, communication systems, transportation systems, and industrial or consumer products, or equipment of control systems, communications, mechanical, electrical, hydraulic, pneumatic, chemical, environmental, or thermal nature, insofar as

they involve safeguarding life, health, or property, and including such other professional services as may be necessary to the planning, progress, and completion of any engineering services. Said practice includes the doing of such architectural work, as is incidental to the practice of engineering.

- (e) **Design coordination** - The review and coordination of those technical submissions prepared by others, including as appropriate and without limitation, consulting engineers, architects, landscape architects, surveyors or land surveyors, and other professionals working under the direction of the engineer.
- (f) **Engineering surveys** - All survey activities required to support the sound conception, planning, design, construction, maintenance, and operation of engineered projects, excluding the survey of real property for the establishment of land boundaries, rights-of-way, easements, configuration or contours of the Earth's surface, and the dependent or independent surveys or resurveys of the public land survey system.
- (g) **Consulting Engineer** - A professional engineer whose principal occupation is the independent practice of engineering; whose livelihood is obtained by offering engineering services to the public; who is devoid of public, commercial, and product affiliation that might tend to imply a conflict of interest; and who is cognizant of his or her public and legal responsibilities, and is capable of discharging them.
- (h) **A graduate of an engineering curriculum** - An individual who has been awarded a baccalaureate degree in engineering from an engineering program accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering Technology (EAC/ABET), or a program that has been approved by the Board.

Inactive Licensee - A licensee who is not engaged in engineering or land surveying practice that requires licensure in this jurisdiction may be granted inactive status. No inactive licensee may practice in this jurisdiction unless otherwise exempted in this chapter.

Land Surveying -

- (a) **Professional Surveyor or Land Surveyor** - A person who has been duly licensed as a professional surveyor or land surveyor by the Board, and engaged in the practice of land surveying.
- (b) **Land Surveyor Intern** - A person who has met the educational requirements, passed the required examination, and has been granted certification as a land surveyor intern by the Board, or a similar authority of another jurisdiction.
- (c) **Practice of Surveying or Land Surveying** - Providing professional services such as consultation, investigation, testimony evaluation, expert technical testimony, planning, mapping, assembling, and interpreting reliable scientific measurements and information relative to the location, size, shape, or physical features of the earth, existing or proposed improvements on the earth, the space above the earth, or any part of the earth, and utilization and development of these facts and interpretation into an orderly survey map, plan, report, description, or project. The practice of surveying or land surveying includes, but is not limited to, any one or more of the following:
 - 1. Determining the configuration or contour of the earth's surface or the position of fixed objects thereon by measuring lines and angles and applying the principles of mathematics or photogrammetry.
 - 2. Performing geodetic surveying which includes surveying for determination of the size and shape of the earth utilizing angular and linear measurements through spatially oriented spherical geometry.
 - 3. Determining, by the use of principles of surveying, the position for any survey control (non-boundary) monument or reference point; or setting, resetting, or replacing any such monument or reference point.
 - 4. Creating, preparing, or modifying electronic or computerized data, including land information systems, and geographic information systems, relative to the performance of the activities in the above described items (1) through (3).
 - 5. Locating, relocating, establishing, reestablishing, laying out, or retracing any property line or boundary of any tract of land

or any road, right of way, easement, alignment, or elevation of any of the fixed works embraced within the practice of engineering.

6. Making any survey for the subdivision of any tract of land.
 7. Determining, by the use of principles of land surveying, the position for any survey monument or reference point; or setting, resetting, or replacing any such monument or reference point.
 8. Creating, preparing, or modifying electronic or computerized data, including land information systems, and geographic information systems, relative to the performance of the activities in the above described items (5) through (7).
- (d) **A Graduate of a Land Surveying Curriculum** - An individual who has been awarded a baccalaureate degree in land surveying from a program approved by the Board.
- (e) **A Graduate of a Related Curriculum** - An individual who has been awarded a baccalaureate degree in areas in which land surveying courses may be taught along with mathematics and the physical sciences from a program approved by the Board.

Responsible Charge - Direct control and personal supervision of engineering work or surveying or land surveying.

Rules of Professional Responsibility for Professional Engineers and Professional Surveyors or Land Surveyors - These Rules.

Seal - A symbol, image, or list of information that may be found in the form of a rubber stamp, embossed seal, computer-generated data, or other form.

Signature - A handwritten message identification containing the name of the person who applied it.

State - Any jurisdiction, territory, or possession of the United States and the District of Columbia.

Written Examination - An examination administered in any format, including paper-and-pencil or on computer.

SOURCE: Final Rulemaking published at 54 DCR 8783 (September 7, 2007); as amended by Final Rulemaking published at 61 DCR 1273 (February 14, 2014).

CODE OF ETHICS

Preamble

Engineering is an important and learned profession. As members of this profession, engineers are expected to exhibit the highest standards of honesty and integrity. Engineering has a direct and vital impact on the quality of life for all people. Accordingly, the services provided by engineers require honesty, impartiality, fairness, and equity, and must be dedicated to the protection of the public health, safety, and welfare. Engineers must perform under a standard of professional behavior that requires adherence to the highest principles of ethical conduct.

I. Fundamental Canons

Engineers, in the fulfillment of their professional duties, shall:

- 1) Hold paramount the safety, health, and welfare of the public.
- 2) Perform services only in areas of their competence.
- 3) Issue public statements only in an objective and truthful manner.
- 4) Act for each employer or client as faithful agents or trustees.
- 5) Avoid deceptive acts.
- 6) Conduct themselves honorably, responsibly, ethically, and lawfully so as to enhance the honor, reputation, and usefulness of the profession.

II. Rules of Practice

1. Engineers shall hold paramount the safety, health, and welfare of the public.
 - 1) If engineers' judgment is overruled under circumstances that endanger life or property, they shall notify their employer or client and such other authority as may be appropriate.

- 2) Engineers shall approve only those engineering documents that are in conformity with applicable standards.
 - 3) Engineers shall not reveal facts, data, or information without the prior consent of the client or employer except as authorized or required by law or this Code.
 - 4) Engineers shall not permit the use of their name or associate in business ventures with any person or firm that they believe is engaged in fraudulent or dishonest enterprise.
 - 5) Engineers shall not aid or abet the unlawful practice of engineering by a person or firm.
 - 6) Engineers having knowledge of any alleged violation of this Code shall report thereon to appropriate professional bodies and, when relevant, also to public authorities, and cooperate with the proper authorities in furnishing such information or assistance as may be required.
2. Engineers shall perform services only in the areas of their competence.
- 1) Engineers shall undertake assignments only when qualified by education or experience in the specific technical fields involved.
 - 2) Engineers shall not affix their signatures to any plans or documents dealing with subject matter in which they lack competence, nor to any plan or document not prepared under their direction and control.
 - 3) Engineers 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. Engineers shall issue public statements only in an objective and truthful manner.
- 1) Engineers shall be objective and truthful in professional reports, statements, or testimony. They shall include all relevant and pertinent information in such reports, statements, or testimony, which should bear the date indicating when it was current.

- 2) Engineers may express publicly technical opinions that are founded upon knowledge of the facts and competence in the subject matter.
 - 3) Engineers shall issue no statements, criticisms, or arguments on technical matters that are inspired or paid for by interested parties, unless they have prefaced their comments by explicitly identifying the interested parties on whose behalf they are speaking, and by revealing the existence of any interest the engineers may have in the matters.
4. Engineers shall act for each employer or client as faithful agents or trustees.
- 1) Engineers shall disclose all known or potential conflicts of interest that could influence or appear to influence their judgment or the quality of their services.
 - 2) Engineers 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.
 - 3) Engineers shall not solicit or accept financial or other valuable consideration, directly or indirectly, from outside agents in connection with the work for which they are responsible.
 - 4) Engineers in public service as members, advisors, or employees of a governmental or quasi-governmental body or department shall not participate in decisions with respect to services solicited or provided by them or their organizations in private or public engineering practice.
 - 5) Engineers shall not solicit or accept a contract from a governmental body on which a principal or officer of their organization serves as a member.
5. Engineers shall avoid deceptive acts.
- 1) Engineers shall not falsify their qualifications or permit misrepresentation of their or their associates' qualifications. They shall not misrepresent or exaggerate their responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint venturers, or past accomplishments.

2) Engineers 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. They shall not offer any gift or other valuable consideration in order to secure work. They 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.

III. Professional Obligations

1. Engineers shall be guided in all their relations by the highest standards of honesty and integrity.
 - 1) Engineers shall acknowledge their errors and shall not distort or alter the facts.
 - 2) Engineers shall advise their clients or employers when they believe a project will not be successful.
 - 3) Engineers shall not accept outside employment to the detriment of their regular work or interest. Before accepting any outside engineering employment, they will notify their employers.
 - 4) Engineers shall not attempt to attract an engineer from another employer by false or misleading pretenses.
 - 5) Engineers shall not promote their own interest at the expense of the dignity and integrity of the profession.
2. Engineers shall at all times strive to serve the public interest.
 - 1) Engineers 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.
 - 2) Engineers 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, they shall notify the proper authorities and withdraw from further service on the project.

- 3) Engineers are encouraged to extend public knowledge and appreciation of engineering and its achievements.
 - 4) Engineers are encouraged to adhere to the principles of sustainable development¹ in order to protect the environment for future generations.
3. Engineers shall avoid all conduct or practice that deceives the public.
- 1) Engineers shall avoid the use of statements containing a material misrepresentation of fact or omitting a material fact.
 - 2) Consistent with the foregoing, engineers may advertise for recruitment of personnel.
 - 3) Consistent with the foregoing, engineers 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. Engineers 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 they serve.
- 1) Engineers 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.
 - 2) Engineers 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. Engineers shall not be influenced in their professional duties by conflicting interests.
- 1) Engineers shall not accept financial or other considerations, including free engineering designs, from material or equipment suppliers for specifying their product.
 - 2) Engineers 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 the engineer is responsible.

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

1) Engineers shall not request, propose, or accept a commission on a contingent basis under circumstances in which their judgment may be compromised.

2) Engineers in salaried positions shall accept part-time engineering work only to the extent consistent with policies of the employer and in accordance with ethical considerations.

3) Engineers shall not, without consent, use equipment, supplies, laboratory, or office facilities of an employer to carry on outside private practice.

7. Engineers 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.

1) Engineers in private practice 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.

2) Engineers in governmental, industrial, or educational employ are entitled to review and evaluate the work of other engineers when so required by their employment duties.

3) Engineers in sales or industrial employ are entitled to make engineering comparisons of represented products with products of other suppliers.

8. Engineers shall accept personal responsibility for their professional activities, provided, however, that engineers may seek indemnification for services arising out of their practice for other than gross negligence, where the engineer's interests cannot otherwise be protected.

1) Engineers shall conform with state registration laws in the practice of engineering.

- 2) Engineers shall not use association with a nonengineer, a corporation, or partnership as a "cloak" for unethical acts.
9. Engineers shall give credit for engineering work to those to whom credit is due, and will recognize the proprietary interests of others.
- 1) Engineers shall, whenever possible, name the person or persons who may be individually responsible for designs, inventions, writings, or other accomplishments.
 - 2) Engineers using designs supplied by a client recognize that the designs remain the property of the client and may not be duplicated by the engineer for others without express permission.
 - 3) Engineers, before undertaking work for others in connection with which the engineer may make improvements, plans, designs, inventions, or other records that may justify copyrights or patents, should enter into a positive agreement regarding ownership.
 - 4) Engineers' designs, data, records, and notes referring exclusively to an employer's work are the employer's property. The employer should indemnify the engineer for use of the information for any purpose other than the original purpose.
 - 5) Engineers shall continue their professional development throughout their careers and should keep current in their specialty fields by engaging in professional practice, participating in continuing education courses, reading in the technical literature, and attending professional meetings and seminars.

REFERENCES

District of Columbia Board of Professional Engineers; Homepage

<https://www.dcopla.com/bpe/>

District of Columbia Municipal Regulations and District of Columbia Register; Title 17 Business, Occupations, and Professionals; Chapter 17-15 Professional Engineers and Land Surveyors. (17-1500 to 17-1599)

<https://www.dcregs.dc.gov/Common/DCMR/RuleList.aspx?ChapterNum=17-15>

National Society of Professional Engineers; Code of Ethics

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