CHAPTER 5; CODE OF PRACTICE

5.1 Competence

5.1.1 In practicing engineering or architecture, the architect or professional engineer shall act with reasonable care and competence and shall apply the technical knowledge and skill ordinarily applied by architects or professional engineers of good standing in the same locality.

5.1.2 In designing a project, the architect or professional engineer shall take into account all applicable state and municipal laws and regulations. While the architect or professional engineer may rely on the advice of other professionals (e.g., attorneys, architects, professional engineers, or other qualified persons) as to the intent and meaning of such regulations, once having obtained such advice, the architect or professional engineer shall not knowingly design a project in violation of such laws and regulations.

5.1.3 The architect or professional engineer shall undertake to perform professional services only when he or she, together with those whom the architect or professional engineer may engage as consultants, is qualified by education, training, and experience in the specific technical areas involved.

5.1.4 No person shall be permitted to practice engineering or architecture if, in the board's judgment, such person's professional competence is substantially impaired by physical or mental disabilities.

5.1.5 An architect or professional engineer convicted of a crime in connection with the profession or moral turpitude under state law, federal law, or the law of another jurisdiction, if in the opinion of the board the events and circumstances leading to the conviction indicate a condition which would affect the competency of the licensee to serve the health, safety, and welfare of the public may be held in violation of the code of practice.

5.1.6 The architect or professional engineer shall not sign, seal or attest to any work pertaining to any technical discipline or specialty which the architect or professional engineer does not fully understand and/or is not professionally trained and experienced.

5.2 Conflict of Interest

5.2.1 The architect or professional engineer shall not accept compensation for his or her services from more than one party on a project unless the circumstances are fully disclosed to and agreed to (such disclosure and agreement to be in writing) by all interested parties.

5.2.2 If the architect or professional engineer has any business association or direct or indirect financial interest which is substantial enough to influence his or her judgment in the selection of any contractor or sub-consultant or in connection with his or her performance of professional services, the architect or professional engineer shall fully disclose in writing to his or her client or employer the nature of the business association or financial interest, and if the client or employer objects to such association or financial interest, the architect or professional engineer will either terminate such association or interest or offer to give up the commission or employment.

5.2.3 The architect or professional engineer shall not solicit or accept compensation from material or equipment suppliers, contractors or sub-consultants in return for specifying or endorsing their products.

5.2.4 When acting as the interpreter of construction contract documents, studies, and reports, the architect or professional engineer shall render decisions impartially. When acting as the judge of contract performance, the architect or professional engineer shall render decisions in an objective manner, favoring neither party to the contract.

5.2.5 An architect or professional engineer who initiates a complaint to the board shall not become involved as the architect or professional engineer of record for the project which was the subject of the complaint.

5.3 Full Disclosure

5.3.1 The architect or professional engineer making public statements on engineering or architectural questions, shall disclose when he or she is being compensated for making such statement.

5.3.2 The architect or professional engineer shall accurately represent to a prospective or existing client or employer his or her qualifications and the scope of his or her responsibility in connection with work for which he or she is claiming credit.

5.3.3 If, in the course of his or her work on a project, the architect or professional engineer becomes aware of a decision or an action taken by the employer or client against the

architect's or professional engineer's advice, which violates applicable state or municipal laws and regulations and which will, in the licensee's judgment, materially affect adversely the safety to the public of the finished project, the architect or professional engineer shall advise the employer or the client of the violation and request reconsideration of the decision. In the event the employer or client does not reverse or alter the decision in order to bring it into conformity with applicable laws, the architect or professional engineer shall:

5.3.3.1 Report the decision to the local building inspector or other public official charged with the enforcement of the applicable state or municipal laws and regulations;

5.3.3.2 Refuse to consent to the decision; and

5.3.3.3 In circumstances where the architect or professional engineer reasonably believes that other such decisions will be taken not withstanding his or her objection, terminate his or her services with reference to the project.

5.3.4 The architect or professional engineer shall not deliberately make a materially false statement or fail deliberately to disclose accurately and completely a material fact requested in connection with his or her application for licensure or renewal or otherwise requested by the board.

5.3.5 The architect or professional engineer shall not assist the application for licensure of a person known by the architect or professional engineer to be unqualified in respect to education, training, experience, or character.

5.3.6 The architect or professional engineer possessing knowledge of a violation of these rules by another architect or professional engineer shall report such knowledge to the board.

5.4 Compliance with Laws

5.4.1 The architect or professional engineer shall not, in the conduct of his or her engineering or architectural practice, knowingly violate any state or federal criminal law. Allegations of violations of this section may be based on an independent finding of a violation of the law by a court of competent jurisdiction or an administrative or regulatory body.

5.4.2 The architect or professional engineer shall neither offer nor give any gift of significant value, or any monetary payment, to a government official with the intent of influencing the official's judgment in connection with a prospective or existing project in which the architect or professional engineer is interested or has an interest.

5.4.3 The architect or professional engineer shall comply with the laws and regulations governing his or her professional practice in any United States jurisdiction.

5.4.3.1 An architect or professional engineer may be subject to disciplinary action if, based on grounds substantially similar to those which lead to disciplinary action in this jurisdiction, the architect or professional engineer is disciplined in any other United States jurisdiction.

5.4.3.2 A person whose Nebraska license was issued on the basis of a NCARB or NCEES certificate shall, upon suspension or revocation of that certificate, have his or her Nebraska license suspended until the certificate is reinstated.

5.4.3.3 A Nebraska license based upon reciprocity with another jurisdiction shall be concurrently suspended upon suspension or revocation of that jurisdiction's license, pending reinstatement.

5.4.3.4 A license under suspension must be kept current through the suspension period. If the license has expired during the suspension period, a new application for licensure will be required.

5.5 Professional Conduct

5.5.1 Each office maintained for the purpose of serving the public through professional engineering or architectural work including the preparation of drawings, specifications, reports and the administration of contract documents shall have a qualified architect or professional engineer in charge of such office and the preparation of such work. This involvement shall be of such nature as to provide the licensee with direct knowledge of the work performed as well as the opportunity to exercise direct and supervisory control of the activity of that office.

5.5.2 The architect or professional engineer shall not sign or seal drawings, specifications, reports or other professional work for which he or she does not have direct supervision; provided, however, that in the case of the portions of such professional work prepared by the architect’s or professional engineer’s consultants, licensed under the law of the State of Nebraska or another state, the architect or professional engineer may sign or seal that portion of the professional work if the architect or professional engineer has reviewed such portion, has coordinated its preparation and accepts responsibility for its adequacy.

5.5.3 The architect or professional engineer shall neither offer nor make any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the architect or professional engineer is interested.

5.5.4 The architect or professional engineer shall not engage in conduct involving fraud or wanton disregard of the rights of others.

5.5.5 The architect or professional engineer shall not engage in grossly immoral or dishonorable conduct which would provide evidence of unfitness to perform the tasks required by clients or would provide evidence of a degree of proficiency which is not sufficient to serve the public interest.

5.5.6 The architect or professional engineer shall not engage in misleading or untruthful or improbable statements, or flamboyant, exaggerated or extravagant claims concerning the licensee's professional excellence or abilities in advertisements or public statements.

5.5.7 The architect or professional engineer shall not knowingly aid or abet the practice or the performance of activities requiring a license by a person not licensed to conduct such practice or activity.

5.6 Practice of Architecture and Engineering

5.6.1 The practice of architecture shall be as defined in Neb. Rev. Stat. § 81-3420 of the E&A Act.

5.6.2 The practice of engineering shall be as defined in Neb. Rev. Stat. § 81-3421 of the E&A Act.

5.7 Use of Titles in Architecture and Engineering

5.7.1 Except for those specifically exempted from the law, the title "Professional Engineer" is to be used only by those who are licensed to practice engineering in Nebraska.

5.7.2 The criteria for use of the title "Engineer" is education and experience, both of which are satisfactory to the board. A person who has earned an ABET accredited degree or equivalent in engineering may use the title "Engineer."

5.7.3 The criteria for use of the title "Engineer Intern" is a person who has earned an ABET accredited degree, passed the FE exam and holds an "Engineer Intern Certificate."

5.7.4 Except for those specifically exempted from the law, the title "Architect" is to be used only by those who are licensed to practice architecture in Nebraska.

5.7.5 The criteria for use of the title “Intern Architect” is education and experience, both of which are satisfactory to the board. A person who has earned a NAAB-accredited degree or equivalent in architecture may use the title “Intern Architect.”

5.7.6 With respect to Neb. Rev. Stat. § 81-3441~~3411~~, individuals who are not licensed as an architect or professional engineer in Nebraska, but who hold a like license in another U.S. state or territory and reside or work in Nebraska, may use the title “Architect” or “Professional Engineer” on correspondence, business cards, and other routine communication wherein the individual is not practicing or offering to practice provided that the jurisdiction(s) in which they are licensed are written or printed after the title so as to not mislead the public regarding their credentials. The listing of jurisdictions after the title is not required on correspondence, business cards, or other communication from an office outside Nebraska, provided that the individual is licensed in that jurisdiction.

5.8 Design Approvals Required By Governmental Agencies

5.8.1 It is the responsibility of design professionals to obtain formal review and approval of design work, when such approval is required prior to construction.