Chapter A–E 4

CONDUCT

A–E 4.001 Preamble
A–E 4.002 Intent
A–E 4.01 Offer to perform services
A–E 4.02 Conflict of interest
A–E 4.03 Representations
A–E 4.04 Unauthorized practice
A–E 4.05 Maintenance of standards
A–E 4.06 Adherence to statutes and code

A–E 4.001 Preamble. (1) Inasmuch as the practices of architecture, professional engineering, designing of engineering systems, and land surveying are essential to the orderly use of the physical environment, and, inasmuch as the technical work resultant thereof has important effects on the health, welfare, and safety of the public, the practices should be conducted with the highest degree of moral and ethical standards.

(2) So that every applicant for registration, permit or certificate be fully aware of the great obligation and responsibility due the public, the standards of responsibility are promulgated by the examining board of architects, professional engineers, designers, and land surveyors. In furtherance of this intent, every registrant and holder of a permit or certificate should endorse the standards of responsibility.

History: Cr. Register, August, 1970, No. 176, eff. 9–1–70.

A–E 4.002 Intent. (1) The intent shall be:

(a) To create standards of responsibility as guidelines for the professions and occupations of architecture, professional engineering, designing of engineering systems, and land surveying; and

(b) To create rules of conduct for the governance of architects, professional engineers, designers, and land surveyors.

(2) The rules shall be binding upon all registrants, holders of permits or certificates, and firms or partnerships, but nothing contained therein shall be construed to supersede the statutory law of the state of Wisconsin.

(3) The examining board shall determine what acts constitute violation of the rules and shall institute appropriate disciplinary action which may lead to the revocation of the registration, permit, or certificate of the architect, professional engineer, designer, land surveyor, or corporation, in accordance with sections 443.01 (13), 443.01 (16), and 443.02 (8), Wis. Stats.

History: Cr. Register, August, 1970, No. 176, eff. 9–1–70.

A–E 4.01 Offer to perform services. The client or employer is entitled to a careful and competent performance of services. Competence in performance of services requires the exercise of proficiency, reasonable care and diligence. Therefore, every effort should be made to remain proficient in a field of endeavor, and employment for services to be rendered should not be accepted unless such services can be competently performed. The architect, professional engineer, designer, or land surveyor:

(1) Shall accurately and truthfully represent to any prospective client or employer his capabilities and qualifications to perform the services to be rendered;

(2) Shall not offer to perform, nor perform, services for which he is not qualified in any of the principal technical fields involved, by education or experience without retaining the services of another who is so qualified;

(3) Shall not evade his statutory responsibility, nor his responsibility to a client or employer.

History: Cr. Register, August, 1970, No. 176, eff. 9–1–70.

A–E 4.02 Conflict of interest. The acceptance of employment, or engagement to perform services, creates the duties of agent toward the client or employer, requiring the faithful discharge of duty and performance of services, as well as the avoidance of any conflict of interest. All dealings with a client or employer, and all matters related thereto should be kept in the closest confidence. Should an unavoidable conflict of interest arise, the client or employer should be immediately informed of any and all circumstances which may hamper or impair the quality of the services rendered. The architect, professional engineer, designer, or land surveyor:

(1) Shall not agree to perform services for a client or employer if there exists any significant financial or other interest that may be in conflict with the obligation to render a faithful discharge of such services, except with the full approval and consent of the client or employer;

(2) Shall not continue to render such services without informing the client or employer, and all other parties involved, of any and all circumstances involved which may in any way affect the performance of such services, and then only with the full approval and consent of the client or employer;

(3) Shall not perform, nor continue to perform, services for a client or employer, if the existence of conflict of interest would impair independent judgment in rendering such services;

(4) Shall withdraw from employment at any time during such employment or engagement when it becomes apparent that it is not possible to faithfully discharge the duty and performance of services owed the client or employer, and then only upon reasonable notice to the client or employer;

(5) Shall not accept remuneration from any party other than his client or employer for a particular project, nor have any other direct or indirect financial interest in other service or phase of service to be provided for such project, unless the client or employer so approves;

(6) Shall keep inviolate the confidences of his client or employer, except as otherwise required in the rules of conduct.

(7) Shall not perform services for a client or employer, while a full-time employee of another employer, without notifying all parties concerned.

History: Cr. Register, August, 1970, No. 176, eff. 9–1–70; cr. (7), Register, December, 1972, No. 204, eff. 1–1–73.

A–E 4.03 Representations. The highest degree of integrity, truthfulness and accuracy should be paramount in all dealings with, and representations to, others, by not misleading in any way the other's understandings of personal qualifications or information regarding a project. The architect, professional engineer, designer, or land surveyor:

(1) Shall not enter into a partnership or any agreement in which any person not legally and actually qualified to perform the services

to be rendered has any control over his independent judgment as related to the public health, safety and welfare;

(2) Shall not indulge in publicity or advertising that is misleading, or self-laudatory;

(3) Shall not misrepresent the amount or extent of prior education, training or experience to any employer or client, nor to the examining board;

(4) Shall as accurately and truthfully represent to a prospective client or employer the costs and completion time of a proposed project as is reasonably possible;

(5) Shall not hold out as being engaged in partnership or association with any person or firm unless there exists in fact a partnership or association;

(6) Shall not recommend to a client services of another for the purpose of collecting a fee for himself for those services;

(7) Shall not practice under any firm name that is misleading as to the identity of those practicing or offering to practice under the firm name, or is misleading as to the type of services the individuals, firm or partnership is authorized and qualified to perform.

History: Cr. Register, August, 1970, No. 176, eff. 9-1-70; am. (2), Register, October, 1971, No. 190, eff. 11-1-71.

A-E 4.04 Unauthorized practice. All reasonable assistance in preventing the unauthorized practice of architecture, professional engineering, designing of engineering systems, and land surveying should be given the examining board. Unauthorized practice should not be aided in any way. The architect, professional engineer, designer, or land surveyor:

(1) Shall make known to the examining board any unauthorized practice of architecture, professional engineering, designing of engineering systems, or land surveying of which he has personal knowledge;

(2) Shall divulge any information, of which he has personal knowledge, related to any unauthorized practice of architecture, professional engineering, designing of engineering systems, or land surveying to the examining board upon request of the board or its authorized representatives;

(3) Shall not delegate responsibility to, nor in any way aid or abet, an unauthorized person to practice, or offer to practice architecture, professional engineering, designing of engineering systems, or land surveying.

History: Cr. Register, August, 1970, No. 176, eff. 9-1-70.

A-E 4.05 Maintenance of standards. Aid should be given the examining board in maintaining the highest standards of integrity and competence of those in its subject professions and occupations. The architect, professional engineer, designer, or land surveyor:

(1) Shall furnish the examining board with any information that comes into his possession, indicating that any person or firm has violated any of the provisions of the Wisconsin registration laws or code;

(2) Shall furnish any information he might have concerning any alleged violation of the Wisconsin registration laws or code upon the request of the examining board or its authorized representatives.

(3) Shall not discuss with any individual board member any investigatory or disciplinary matter.

History: Cr. Register, August, 1970, No. 176, eff. 9–1–70; cr. (3), Register, May, 1972, No. 197, eff. 6–1–72.

A–E 4.06 Adherence to statutes and codes. Strict adherence to practice requirements of related sections of the Wisconsin statutes, the Wisconsin Administrative Code, and all local codes and ordinances should be maintained in all services rendered. The architect, professional engineer, designer, or land surveyor:

(1) Shall abide by and conform to, the registration and licensing laws of the state of Wisconsin governing architects, professional engineers, designers, and land surveyors;

(2) Shall abide by, and conform to, the provisions of the Wisconsin Administrative Code and all local codes and ordinances;

(3) Shall not violate nor aid or abet another in violating a rule of conduct nor engage in any conduct that may adversely affect his fitness to practice architecture, professional engineering, designing of engineering systems, or land surveying, respectively;

(4) Shall not sign or impress his seal or stamp upon documents not prepared by him or under his control or knowingly permit his seal or stamp to be used by any other person.

History: Cr. Register, August, 1970, No. 176, eff. 9–1–70.