

(a) The words "supervision", "direct supervision", "responsible charge" and "direction and control" do not mean:

1. Indirect or casual supervision; or
2. Delegation of any decision requiring professional judgement; or
3. Casual review or inspection of prepared plans, drawings, specifications, maps, plats, charts, reports or other documents; or
4. Mere assumption by a licensed person of responsibility for work without control of work; or
5. Assuming charge, control or direct supervision of work in which the licensed person does not possess technical proficiency.

History: Cr. Register, December, 1973, No. 216, eff. 1-1-74.

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;

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(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 the registrant's client or employer, except:

(a) As otherwise required in the rules of conduct;

(b) Nothing in the rules of conduct shall limit a registrant's professional responsibility to an owner of a project when the registrant is employed by a person or firm under contract to construct and furnish design services for that project.

(7) Shall not perform services for a client or employer, while a full-time employe 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; am. (6), Register, August, 1978, No. 272, eff. 9-1-78.

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;

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(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