

**APPROVED REGULATION OF THE STATE BOARD OF
PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

LCB File No. R139-20

Filed April 14, 2021

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1-5, NRS 625.140.

A REGULATION relating to professions; revising the fundamental principles that apply to professional engineers and land surveyors licensed by the State Board of Professional Engineers and Land Surveyors; revising the requirements with which a licensee must comply in his or her relations with the public, his or her employers and clients and other engineers or land surveyors; revising when a professional engineer or land surveyor who is employed by any governmental agency must notify the Board; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the State Board of Professional Engineers and Land Surveyors to adopt all regulations, not inconsistent with the constitution and laws of this State, which are necessary for the proper performance of the duties of the Board, the regulation of the proceedings before it and the maintenance of a high standard of integrity and dignity in the profession. (NRS 625.140) Existing regulations set forth the code of conduct for professional engineers and land surveyors licensed by the Board. (NAC 625.510-625.550)

Existing regulations require a licensee to: (1) serve his or her employer, clients and the public with devotion; and (2) strive to increase the competence and prestige of the profession. (NAC 625.510) **Section 1** of this regulation requires a licensee to: (1) serve his or her employer, clients and the public with integrity; and (2) strive to increase the standards of skill and practice in the professional engineering and land surveying professions.

Existing regulations require a licensee, in his or her relations with the public, to, among other things: (1) have proper regard for the safety, health and welfare of the public in the performance of his or her professional duties; (2) not express an opinion on any subject concerning engineering or land surveying unless the opinion is founded on adequate knowledge and honest conviction; and (3) preface any ex parte statements, criticism or arguments that he or she may issue by clearly indicating on whose behalf they are made. (NAC 625.520) **Section 2** of this regulation revises these requirements and instead requires a licensee, in his or her relations with the public: (1) to be cognizant that his or her first and foremost responsibility is the safety, health and welfare of the public in the performance of his or her professional duties; (2) to the best of his or her knowledge, include all relevant and pertinent information in all professional

documents, statements and testimony in an objective and truthful manner; and (3) not issue an argument against or a statement or criticism on any subject concerning engineering or land surveying that is paid for or inspired by an interested party unless he or she satisfies certain criteria.

Existing regulations require a licensee, in his or her relations with his or her employers and clients, to act fairly and justly toward vendors and contractors, and not accept from vendors or contractors any commission or allowances, directly or indirectly. (NAC 625.530) **Section 3** of this regulation additionally prohibits a licensee from accepting from vendors or contractors any gratuities, directly or indirectly.

Existing regulations require a licensee, in his or her relations with other engineers or land surveyors, to, among other things: (1) provide a prospective engineering or land surveying employee with complete information concerning employment; (2) endeavor to provide opportunity for the professional development and advancement of licensees in his or her employ or under his or her supervision; (3) not compete unfairly with another licensee; and (4) cooperate in advancing the profession of engineering or land surveying by performing certain actions. (NAC 625.540) **Section 4** of this regulation removes these requirements.

Existing regulations require any licensee who is employed by any governmental entity to notify the Board in writing when: (1) another licensee has submitted substantially incomplete plans to the governmental entity; (2) the governmental entity has, on three or more occasions, rejected plans submitted by another licensee for the same project; or (3) another licensee has failed timely to respond to correspondence from the governmental entity. (NAC 625.550) **Section 5** of this regulation removes the requirement that such notice must be in writing. **Section 5** additionally requires such notice to occur when another licensee has submitted more than one set of plans to the governmental entity that cause a concern regarding the lack of competency of the licensee who has submitted the plans. Finally, **section 5** removes the notice requirement when the governmental entity has, on three or more occasions, rejected plans submitted by another licensee for the same project.

Section 1. NAC 625.510 is hereby amended to read as follows:

625.510 A licensee shall uphold and advance the honor and dignity of the profession by maintaining high standards of ethical conduct. In particular, a licensee shall:

1. Be honest and impartial, and serve his or her employer, clients and the public with ~~devotion;~~ *integrity;*
2. Strive to increase the ~~competence and prestige of the profession;~~ *standards of skill and practice in the professional engineering and land surveying professions;* and
3. Use his or her knowledge and skill for the advancement of human welfare.

Sec. 2. NAC 625.520 is hereby amended to read as follows:

625.520 In a licensee's relations with the public, the licensee shall:

1. ~~{Have proper regard for}~~ *Be cognizant that his or her first and foremost responsibility is* the safety, health and welfare of the public in the performance of his or her professional duties.
2. ~~{Endeavor to extend public knowledge and appreciation of engineering or land surveying and its achievements, and oppose any untrue, unsupported or exaggerated statements regarding his or her profession.~~
- ~~—3.—~~ ~~Be dignified and modest in explaining his or her work and merit, uphold the honor and dignity of his or her profession and refrain from self-laudatory advertising.~~
- ~~—4.—~~ *To the best of his or her knowledge, include all relevant and pertinent information in all professional documents, statements and testimony in an objective and truthful manner.*
3. Not ~~{express an opinion}~~ *issue an argument against or a statement or criticism* on any subject concerning engineering or land surveying *that is paid for or inspired by an interested party* unless ~~{the opinion is founded on adequate knowledge and honest conviction.~~
- ~~—5.—~~ ~~Preface any ex parte statements, criticism or arguments that~~ he or she ~~{may issue by clearly indicating}~~ :
 - (a) *Clearly identifies the interested party* on whose behalf ~~{they are made.}~~ *he or she is speaking; and*
 - (b) *Reveals any interest that he or she has in the subject.*

Sec. 3. NAC 625.530 is hereby amended to read as follows:

625.530 In a professional engineer's or land surveyor's relations with his or her employers and clients, he or she shall:

1. Act in professional matters as a faithful agent or trustee for each employer or client.

2. Act fairly and justly toward vendors and contractors, and not accept from vendors or contractors any commission, ~~fee~~ allowances ~~fee~~ or *gratuities*, directly or indirectly.

3. Inform the employer or client if he or she is financially interested in any vendor or contractor, or in any invention, machine or apparatus which is involved in a project or work of the employer or client, and not allow such an interest to affect his or her decisions regarding engineering or land surveying services which he or she may be called upon to perform.

4. Indicate to the employer or client the adverse consequences to be expected if his or her engineering or land surveying judgment is overruled.

5. Undertake only those engineering or land surveying assignments for which he or she is qualified and engage or advise the employer or client to engage specialists and cooperate with them whenever the employer's or client's interests are served best by such an arrangement.

6. Not disclose information concerning the ethical and confidential business affairs and proprietary technical processes of any former employer or client without express consent.

7. Not accept compensation, financial or otherwise, from more than one party for the same service, or for other services pertaining to the same work, without the consent of all interested parties.

8. While employed, not engage in supplementary employment or consulting practice except with the consent of the employer.

Sec. 4. NAC 625.540 is hereby amended to read as follows:

625.540 In his or her relations with other engineers or land surveyors, the licensee shall:

1. Take care that credit for engineering or land surveying work is given to those to whom credit is properly due.

2. ~~{Provide a prospective engineering or land surveying employee with complete information on working conditions and his or her proposed status of employment, and after employment keep him or her informed of any changes in them.~~
- ~~—3.— Endeavor to provide opportunity for the professional development and advancement of licensees in his or her employ or under his or her supervision.~~
- ~~—4.}~~ Not maliciously injure the professional reputation, business prospects or practice of another engineer or land surveyor.

~~{5.}~~ 3. If a licensee has evidence that another licensee has been unethical or unfair, or has committed an illegal act in his or her practice, notify the proper authorities.

- ~~{6.— Not compete unfairly with another licensee.~~
- ~~—7.— Cooperate in advancing the profession of engineering or land surveying by interchanging information and experience with other licensees and students, and by contributing information to public communication media and to the efforts of engineering, land surveying and scientific societies and schools.}~~

Sec. 5. NAC 625.550 is hereby amended to read as follows:

625.550 Any person licensed pursuant to this chapter who is employed by any governmental entity shall notify the Board ~~{in writing}~~ when:

1. Another licensee has submitted ~~{substantially incomplete}~~ *more than one set of* plans to the governmental entity ~~{}~~ *that cause a concern regarding the lack of competency of the licensee submitting the plans; or*
2. ~~{The governmental entity has, on three or more occasions, rejected plans submitted by another licensee for the same project; or~~

~~3.1~~ Another licensee has failed timely to respond to correspondence from the governmental entity.