

ETHICS FOR ENGINEERS

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- Chief legal officer and advisor for the State of Mississippi on both civil and criminal matters.
- General Fitch's responsibility is to represent public officials and governmental agencies and to issue legal opinions that interpret state law. Most importantly, she represents the people of the State of Mississippi.
- Bachelor of Business Administration and a Juris Doctorate at the University of Mississippi.
- She has over 30 years of both private and government law experience.


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ETHICS FOR ENGINEERS



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ETHICS FOR ENGINEERS


- Mississippi “Ethics in Government” Laws
- Mississippi Board of Licensure Rules

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Section 25-4-101 – Public Trust and Employee Conduct

The legislature declares that elective and **public** office and **employment is a public trust** and any effort to realize personal gain through official conduct, other than as provided by law, or as a natural consequence of the employment or position, is a violation of that trust. Therefore, **public servants shall endeavor to pursue a course of conduct which will not raise suspicion** among the public that they are likely to be engaged in acts that are in violation of this trust **and which will not reflect unfavorably upon the state** and local governments.

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Section 25-4-105 – Restrictions and Prohibited Conduct

There are numerous restrictions on the activities of “public servants” under the statute, including:

- Use of Office for Pecuniary Benefit
- Contracting
- Purchasing Goods and Services
- Purchasing Securities
- Insider Lobbying
- Post-Government Employment
- Insider Information

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Section 25-4-103(p) – Definition of “Public Servant”

(i) **Any elected or appointed official** of the government;

(ii) **Any officer, director, commissioner, supervisor, chief, head, agent or employee of the government or any agency thereof**, or of any public entity created by or under the laws of the State of Mississippi or created by an agency or governmental entity thereof, any of **which is funded by public funds or which expends, authorizes or recommends the use of public funds**; or

(iii) **Any individual who receives a salary, per diem or expenses paid in whole or in part out of funds authorized to be expended by the government.**

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Section 25-4-105(1) – Use of Office for Pecuniary Benefit

No public servant shall use his official position to obtain, or attempt to obtain, pecuniary benefit for himself other than that compensation provided for by law, or to obtain, or attempt to obtain, pecuniary benefit **for any relative or any business with which he is associated.**

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Section 25-4-105 (3)(a) – Contracting

No public servant shall: (a) Be a contractor, subcontractor or vendor with the governmental entity of which he is a member, officer, employee or agent, other than in his contract of employment, or have a material financial interest in any business which is a contractor, subcontractor or vendor with the governmental entity of which he is a member, officer, employee or agent.

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Section 25-4-105 (3)(b) – Purchasing Goods and Services

No public servant shall: (b) Be a purchaser, direct or indirect, at any sale made by him in his official capacity or by the governmental entity of which he is an officer or employee, except in respect of the sale of goods or services when provided as public utilities or offered to the general public on a uniform price schedule.

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Section 25-4-105 (3)(e) – Post-Government Employment

No public servant shall: (e) Perform any service for any compensation for any person or business after termination of his office or employment in relation to any case, decision, proceeding or application with respect to which he was directly concerned or in which he personally participated during the period of his service or employment.

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Section 25-4-105 (3)(e) – Post-Government Employment

- Applies after someone leaves government.
- If you worked on a matter while you were in government, you cannot get paid to work on that same matter in the private sector, EVER.
- But a former government employee can work for a government contractor on other matters.

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Section 25-4-105 (5) – Insider Information

No person may intentionally use or disclose **information gained in the course of or by reason of his official position or employment** as a public servant in any way that could result in **pecuniary benefit for himself, any relative, or any other person**, if the **information has not been communicated to the public or is not public information**.

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MISSISSIPPI ETHICS COMMISSION

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Mississippi Board of Licensure for Professional Engineers and Surveyors

- Rules and Regulations of Procedure
- Rule 17, Code of Professional Conduct
- <http://www.pepls.ms.gov>

17



Chapter 17 Code of Professional Conduct

- Responsibility to the Public
- Competency for Assignments
- Public Statements
- Conflict of Interest
- Solicitation of Work
- Ethics
- Character and Reputation
- Response to Orders and Communications of the Licensure Board

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17.1 Responsibility to the Public

- The licensee shall at all times recognize his primary obligation to protect the safety, health and welfare of the public in the performance of his work.

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Space Shuttle
Challenger
Disaster
1986



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17.1 Responsibility to the Public

- If the licensee's employer or clients overrule his judgment concerning the safety, health and welfare of the public, he shall **inform his employer or client of the possible consequences and, where appropriate, notify such other proper authority.**
- It shall be the licensee's **duty to report to the Board violations of the Rules and Regulations.** Failure to do so may be construed as aiding and abetting the violator.
- Furthermore, the licensee should **remove himself from the situation** if, after advising the employer or client, there continues to be a concern regarding the safety, health, and welfare of the public.

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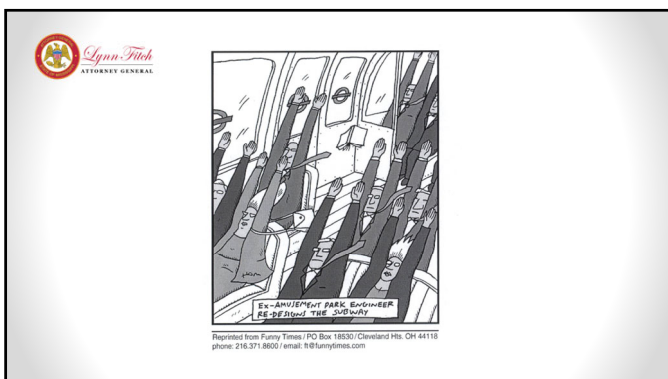
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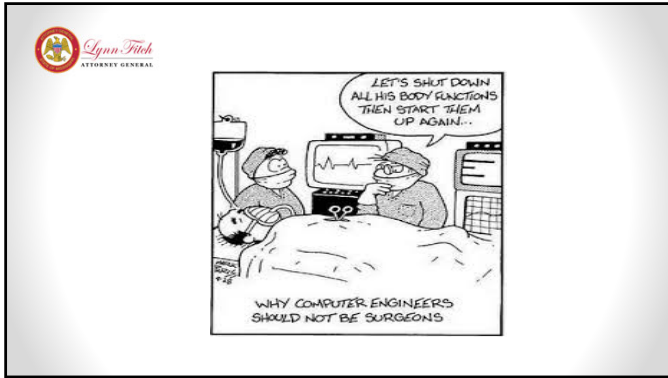
17.2 Competency for Assignments

The licensee shall undertake to perform assignments only when qualified by education or experience in the specific discipline involved. The licensee may accept an assignment requiring education or experience outside his area of competence, but only to the extent that his services are restricted to those phases of the project in which he is qualified. All other phases of such projects shall be performed by licensees who may be associates, consultants or employees, qualified in the specific disciplines involved.


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17.2 Competency for Assignments

The Professional Engineer **shall not affix his signature, seal or title block** to any plan or document **unless** said plan or document:

- **was prepared by him;**
- **prepared under his direct supervisory control;** or
- **reviewed by him in sufficient depth to fully coordinate and assume responsibility for plans prepared by another licensed Professional Engineer.**

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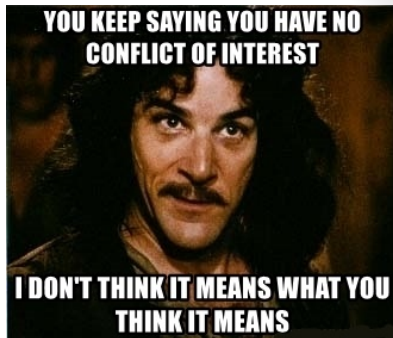
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17.4 Conflict of Interest

- A conflict of interest is avoidable.
- A licensee **shall not represent a client if** the licensee's **ability** to consider, recommend, or carry out a course of action **on behalf of the client could be adversely affected by** the licensee's **responsibilities to another client** or to a **third person** or to the licensee's **own interest, or the safety, health and welfare of the public**.

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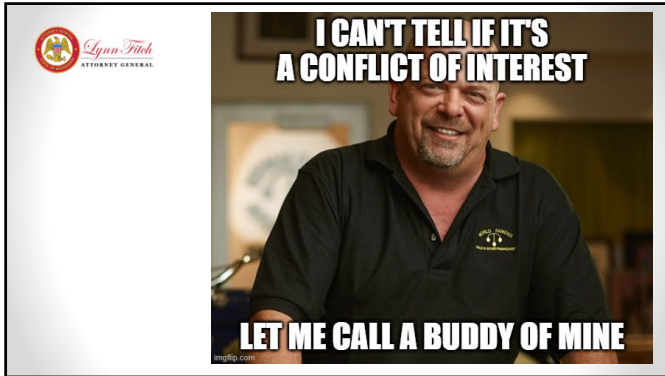
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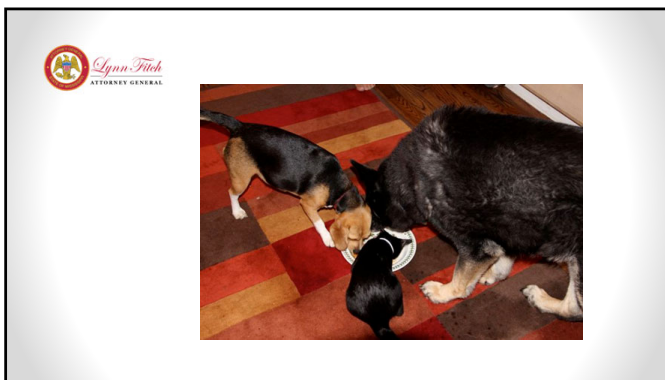
17.4 Conflict of Interest

- The licensee shall **not accept compensation, directly or indirectly, financial or otherwise, from more than one party for services on the same project, unless** the circumstances are **fully disclosed to, and agreed to in writing, by all interested parties.**


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17.4

Conflict of Interest

- The licensee **shall not solicit or accept, directly or indirectly, financial or other valuable considerations from material suppliers, equipment suppliers or any other vendors for specifying or recommending their products.**
- The licensee **shall not solicit or accept gratuities, directly or indirectly, from contractors,** their agents or other parties dealing with the licensee's client or employer **in connection with work for which he is responsible.**

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17.4 Conflict of Interest

- The licensee **shall not solicit or accept a professional services contract which involves a governmental body on which the licensee, a principal, or officer of his organization serves as a member.**
- When a licensee is employed or otherwise engaged in a full or part-time position, he shall **not use the advantages of his position to compete unfairly with other licensees.**

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17.4 Conflict of Interest

- A licensee serving in any official capacity, either part-time or full-time, as **the engineer for any county, city or other governmental body, Board or agency,** where plans or documents must be submitted to him for review, approval or a recommendation for approval, **cannot review, approve or recommend approval of his own plans or** documents, or plans or documents **prepared by any member of the firm of which he is a member.**

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17.6 Ethics

- The licensee shall **contribute to the maintenance, integrity, independence and competency of the engineering profession.**

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17.6 Ethics

- **Can NOT have any part in violating any provision of Mississippi Law regulating the practice of engineering:**
- Can't personally violate the law;
- Can't participate, directly or indirectly, in any plan, scheme or arrangement attempting or having as its purpose the violation of the law;
- Must exercise reasonable care to assure that partners, associates, and employees do not engage in conduct which, if done by licensee, would violate any provision of the law;
- Can't not knowingly associate with or permit or allow the use of name, firm name or professional identification or seal in any business venture, project or enterprise which licensee knows or has reason to believe is involved in professional practices which violate any provision of the law.

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17.6 Ethics

- **The licensee shall not engage in any illegal conduct involving moral turpitude.**
- **The licensee shall not engage in any conduct that discredits or tends to discredit the profession of engineering.**

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17.6 Ethics

- The licensee **shall not perform** any **acts, allow omissions or make any assertions** or representations **which are fraudulent, deceitful, or misleading, or** which in any manner whatsoever **tend to create a misleading impression.**
- The licensee shall **not knowingly associate with or permit the use of his name, professional identification, seal, firm or business name in connection with any venture or enterprise** which he **knows, or has reason to believe, involves** trade, business or professional practice of a **fraudulent, deceitful or dishonest nature.**


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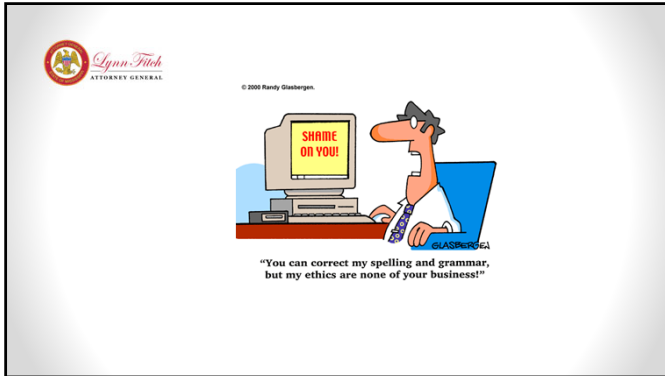
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17.6 Ethics

- The licensee **shall not**, directly or indirectly, use or **make use of any property, facility or service of any governmental body, agency or department for the benefit of any private business or** activity in which the licensee also may be engaged.
- The licensee **shall not**, directly or indirectly, use or **make use of any property, facility or service of his client or employer for his own benefit.**

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 **Mississippi Ethics Commission rules in favor of records request for text messages**
By Allison Prang | 04.16.2014

The Mississippi Ethics Commission all agreed that the mayor's texts were considered open records under state open records laws.

"Any text message used by a city official in the conduct, transaction or performance of any business, transaction, work, duty or function of (the city), or required to be maintained by (the city) is a public record subject to the Act, regardless of where the record is stored," the commission wrote in the advisory opinion," according to the Journal.

Source: *Investigative Reporters and Editors, Transparency Watch*

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 **17.7 Character and Reputation**

- The licensee shall be responsible for **maintaining good character and reputation.**

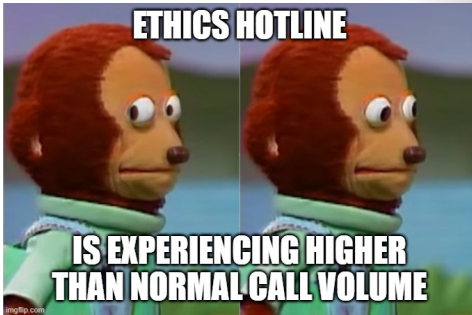
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17.7 Character and Reputation

- The following **shall** be grounds for a disciplinary hearing which **may** result in revocation of his certificate of licensure:
 - **Suspension** of a certificate of licensure **by another jurisdiction**,
 - becoming a **habitual drunkard**,
 - being **grossly immoral**,
 - being **addicted in the use of narcotics**,
 - being **finally adjudged insane or incompetent** by a court of competent jurisdiction,
 - or being **convicted** of a felony or misdemeanor.

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ETHICS FOR ENGINEERS

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