



# ENGINEERING ETHICS

AND  
LICENSURE LAW UPDATE

JAMES E MANNING, PE, PLS  
FORMER EXECUTIVE DIRECTOR – KY BOARD OF LICENSURE

# WHAT WE WILL COVER

- ▶ Applicable Law
- ▶ Overview of Basic Principals
- ▶ Recent Regulatory / Statute Changes
- ▶ Current Licensure Issues
- ▶ Questions / Discussion



# DISCLAIMER

- ▶ Opinions expressed in this presentation are those of James E Manning and do not necessarily reflect those of the Kentucky State Board of Licensure for Professional Engineers and Land Surveyors.
- ▶ The Board can be contacted directly at 502-573-2680 or through the “contact us” feature on the board website.  
<https://kyboels.ky.gov/Pages/contact.aspx>

# APPLICABLE LAW

- ▶ Licensure Law – KRS Chapter 322  
<https://apps.legislature.ky.gov/law/statutes/chapter.aspx?id=38843>
- ▶ KRS 322.180 – Grounds for Denial of License and Disciplinary Action  
<https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=46826>
- ▶ Supporting Administrative Regulations – 201 KAR Chapter 18  
<https://apps.legislature.ky.gov/law/kar/TITLE201.HTM>
- ▶ 201 KAR 18:142 – Code of Professional Practice and Conduct  
<https://apps.legislature.ky.gov/law/kar/201/018/142.pdf>



# BASIC PRINCIPALS

- ▶ The Goal for the Board is Public Protection
- ▶ Ethical Obligations of a Professional Engineer
  - ▶ To the public
  - ▶ To the client
  - ▶ To the profession and fellow professionals
  - ▶ The Board is generally concerned with the licensee's obligations to the client and the public

# RECENT CHANGES

## COOPERATION WITH BOARD INVESTIGATIONS

### Section 10.

(1) If a licensee has knowledge or reason to believe that any person or other licensee is in violation of KRS Chapter 322 or 201 KAR Chapter 18, the licensee shall submit to the board in writing the relevant information within his or her knowledge.

(2) A licensee, upon request by the board, shall cooperate with the board in an investigation, by providing any relevant information within his or her knowledge.



# RECENT CHANGES

## ► COMMUNICATION WITH BOARD MEMBERS

### Section 11.

(1) A licensee shall not, directly or indirectly, contact a board member concerning any ongoing disciplinary action, or any existing investigation being conducted by the board staff.

(2) Any communication by a licensee concerning an ongoing disciplinary action or an existing investigation shall be directed to a board staff member.



# RECENT CHANGES

## ▶ ADVISORY OPINIONS

### Section 12.

A licensee who is in doubt about the ethical propriety of any professional act or omission contemplated by that licensee may request an informal opinion from the executive director of the board.

- (1) The request shall be in writing or by email with the subject line of "Request for Advisory Opinion Pursuant to 201 KAR 18:142." The request shall include the name and address of the licensee making the request, a phone number and email address at which the licensee can be contacted, and all relevant information.
- (2) Based on the information provided in the request, the executive director shall respond in writing as to the ethical propriety of the act or course of conduct in question.
- (3) A licensee shall not be disciplined for any professional act performed by that licensee in compliance with the written advisory opinion furnished by the executive director pursuant to the licensee's written request, if the licensee's written request clearly, fairly, accurately, and completely states the licensee's contemplated professional act and all relevant information.



# RECENT CHANGES

## ► FELONY CONVICTIONS

335B.020 Disqualification from public or occupational license of ex criminal offenders prohibited --  
Exceptions.

- (1) No person shall be... disqualified from pursuing, practicing, or engaging in any occupation for which a license is required solely because of a prior conviction of a crime, unless the crime for which convicted directly relates to... the occupation for which the license is sought.
- (2) In determining if a conviction directly relates to the... occupation for which the license is sought, the hiring or licensing authority shall consider: (a) The nature and seriousness of the crime for which the individual was convicted and the passage of time since its commission; (b) The relationship of the crime to the purposes of regulating the position of public employment sought or the occupation for which the license is sought; (c) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the position of employment or occupation.



# RECENT CHANGES

## ▶ FELONY CONVICTIONS

335B.060 KRS 335B.020 to 335B.070 supersedes all other laws and regulations governing public employment of ex criminal offenders -- Exceptions.

Except for peace officers and other law enforcement personnel and unless preempted by federal law, the provisions of KRS 335B.020 to 335B.070 shall prevail over any other laws, rules and regulations which purport to govern the granting, denial, renewal, suspension, or revocation of a license or the initiation, suspension, or termination of public employment on the grounds of conviction of a crime or crimes.



# CURRENT ISSUES

- ▶ SEPARATE DESIGNATION / LICENSE FOR STRUCTURAL ENGINEERS
- ▶ LICENSE MOBILITY
  - ▶ Computer Based Testing – Fully Deployed
  - ▶ Transition to Modules for the PS Exam
  - ▶ Elimination of State Specific Exams
  - ▶ Engineering Technology Degrees Accredited by ETAC-ABET

# Questions