

Article 2  
Rules of Professional Conduct for Professional  
Engineers, Architects and Land Surveyors

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**NOTE:** Rule making authority cited for formulation of regulations of professional conduct by the Territorial Board of Registration for Professional Engineers, Architects and Land Surveyors, 22 GCA Chapter 32.

The rules of professional conduct for Professional Engineers, Architects and Land Surveyors are printed here in form as exact as possible to those filed with the Legislative Secretary. The substance of the regulations has not been changed. However, for the purpose of uniformity and ease of use, a new system of numbering has been adopted by the Editor. It is hoped that the revised numerical system will eventually be substituted for that formulated by the Territorial Board of Registration for Professional Engineers, Architects and Land Surveyors.

**§1201. Preamble.** In order to establish and maintain a high standard of integrity, skills and practice in the professions of engineering, architecture and land surveying, to safeguard the life, health, property and welfare of the public and to serve and promote the public interest in the effort to improve human environment, the following Rules of Professional Conduct are promulgated in accordance with 22 GCA Chapter 32, relative to Professional Engineers, Architects and Land Surveyors and shall be binding upon every person holding a certificate of registration as an Engineer, Architect or Land Surveyor and open all partnerships or corporations or other legal entities authorized to offer or perform engineering architecture and land surveying services in the Territory of Guam.

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The Rules of Professional Conduct are herewith promulgated in accordance with those powers vested in the Territorial Board of Registration for Professional Engineers, Architects and Land Surveyors by virtue of Public Law 11-218.

All persons registered under 22 GCA Chapter 32, relative to Professional Engineers, Architects and Land Surveyors are charged with having knowledge of the existence of the Rules for Professional Conduct, and shall be deemed to be familiar with their several provisions and to understand them. Such knowledge shall encompass the understanding that the practice of engineering, architecture and land surveying is governed by a statute, as opposed to a right, and the registrant shall be forthright and candid in his statements or written response to the Territorial Board of Registration for Professional Engineers, architects and Land Surveyors, Government of Guam, or its representatives on matters pertaining to professional conduct.

**§1202. Responsibility to the Public.** The architect, engineer and land surveyor shall at all times recognize his primary obligations to protect the safety, health and welfare of the public in the performance of his professional duties.

**§1203. Competency for Assignments.** (a) The engineer, architect or land surveyor shall undertake to perform assignments only when qualified by registration by the Guam Board and Competency in the specific technical field of engineering, architecture and land surveying.

(b) The engineer, architect or land surveyor, or other certified legal entities may accept an assignment requiring registration outside of their own field of competency, but only to the extent that the major portion of the assignment and their services are restricted to those phases of the projection which they are qualified and competent.

(c) The engineer, architect or land surveyor shall only affix his signature and seal to any engineering, architecture and land surveying plan or document dealing with subject matter for which he has compe-

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tence by virtue of registration by the Guam Board and to any such plan or document prepared by him or under his direct supervisory control.

(d) In the event a question arises as to the competence of an engineer, architect or land surveyor or other legal entity to perform an engineering, architecture or land surveying assignment in a specific technical field or engineering, architecture and land surveying which cannot be otherwise resolved to the Board's satisfaction, the Board, either upon request of the engineer, architect or land surveyor or by its own volition, may appoint a panel of experts to determine such competency.

**§1204. Public Statements.** (a) The engineer, architect or land surveyor shall be completely objective and truthful in all professional reports, statements or testimony. He shall not withhold any relevant and pertinent information in such reports, statements or testimony.

(b) The engineer, architect or land surveyor, when serving as an expert or technical witness before any court, commission or other tribunal, shall express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of his testimony.

(c) The engineer, architect or land surveyor shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice or employment of another engineer, architect, or land surveyor nor shall he indiscriminately criticize another professional engineer's architect's or land surveyor's work in public. If he believes that another engineer, architect or land surveyor is guilty of unethical or illegal practice, he shall present such information to the Territorial Board of Registration for Professional Engineers, Architects and Land Surveyors, Government of Guam, for appropriate action.

**§1205. Conflict of Interest.** (a) The engineer, architect or land surveyor shall avoid all known conflicts of interest with his employer or

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client and shall promptly inform his employer or client of any business association, interests, or circumstances which could influence his professional judgment or the quality of his services.

(b) The engineer, architect or land surveyor shall not accept compensation, financial or otherwise, from more than one party for service on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed to, and agreed to, by all directly involved parties.

(c) The engineer, architect or land surveyor shall not solicit or accept financial or other valuable consideration from material or equipment suppliers for specifying their products.

(d) The engineer, architect or land surveyor shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents or other parties dealing with his client or employer in connection with work for which he is responsible.

(e) When in public service as a member, advisor or employee of a governmental body or department, the engineer, architect or land surveyor shall not participate in consideration or actions with respect to services provided by him or his organization in private engineering, architecture and land surveying practices.

**§1206. Solicitation of Work.** (a) The engineer, architect or land surveyor shall not offer to pay, either directly or indirectly, any commission, political contribution, gifts, or any other consideration in order to secure work, exclusive of securing salaried positions through employment agencies.

(b) The engineer, architect or land surveyor shall seek professional employment on the basis of qualification and competence for proper accomplishment of the work (and shall charge a professional fee for all professional services rendered). He shall not solicit or submit proposals for professional services on the basis of competitive bidding contrary to law. Competitive bidding is defined as the formal or informal submis-

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sion or receipt, or verbal or written estimates of costs of proposals in terms of dollars, man days of work required, percentage of construction cost, or any other measure of compensation whereby the prospective client may compare engineering, architecture and land surveying services on a price basis prior to the time that one engineer, architect or land surveyor or one engineering, architecture and land surveying organization, has been selected for negotiations.

(c) The engineer, architect or land surveyor shall not falsify or permit misrepresentation of his, or his associates', academic or professional qualifications. he shall not misrepresent or exaggerate his degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint-ventures, or his or their past accomplishments with the intent and purpose of enhancing his qualifications and his work.

**§1207. Advertising.** (a) The engineer, architect and land surveyor shall not advertise his professional services but may utilize the following means of identification:

(1) **Business cards.** The information displayed must be restricted to name of individual, firm name, address, telephone number, appropriate symbol, name of principal participants and the fields of practice in which the firm is qualified, location map, foreign language translation of the above and professional organization.

(2) Signs on equipment, offices and at the site of projects for which he renders services, limited to firm name, address, telephone number and type of services, as appropriate.

(3) Brochures, letterheads and other factual representations of experience, facilities, personnel and capacity to render service, providing the same are not misleading relative to the extent of

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participation in the projects cited, and provided the same are not indiscriminately distributed.

(4) Listings in the classified section of telephone directors, limited to name, address, telephone number and specialities in which the firm is qualified.

(b) The engineer, architect and land surveyor may advertise for recruitment of personnel in appropriate publications or by special distribution. The information presented must be displayed in a dignified manner, restricted to firm name, address, telephone number, appropriate symbol, the fields of practice in which the firm is qualified and factual descriptions of positions available, qualifications required and benefits available.

(c) The engineer, architect and land surveyor may prepare articles for the lay or technical press which are factual, dignified and free from ostentations or laudatory implications. Such articles shall not imply other than his direct participation in the work described unless credit is given to others for their share of the work.

(d) The engineer, architect and land surveyor may extend permission for his name to be used in commercial advertisements, such as may be published by manufacturers, contractors, material suppliers, etc., only by means of a modest dignified notation acknowledging his participation and the scope thereof in the project or product described. Such permission shall not include public endorsement of proprietary products.

(e) The engineer, architect and land surveyor will not allow himself to be listed for employment using exaggerated statements of his qualifications.

**§1208. Construction Services.** An engineer, architect and land surveyor shall provide construction contract administration when applications are made for building or construction permits involving the public safety and health. The term construction contract adminis-

tration means making periodic visits to the site by a registered engineer, architect and land surveyor or authorized representative as the case may require, to observe the progress and quality of the executed work and to determine, in general, if the work is proceeding in accordance with the contract documents. It is not required that they make exhaustive or continuous on-site inspections to check the quality or quantity of the work nor is it intended that the engineer, architect and land surveyor be responsible for construction means, methods, techniques, sequences or procedures, or of safety precautions and programs in connection with the work.

**§1209. Improper Conduct .** (a) The engineer, architect and land surveyor shall not knowingly associate with, or permit the use of his name or firm name in a business venture by any person or firm which he knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature.

(b) If the engineer, architect or land surveyor or has knowledge or reason to believe that another person or firm may be in violation of any of these provisions or of 22 GCA Chapter 32, relative to Professional Engineers, Architects and Land Surveyors, he shall not withhold any information from the Board of Registration for Professional Engineers, Architects, and Land Surveyors, Government of Guam, and shall cooperate with the Board of Registration for Professional Engineers, Architects and Land Surveyors in furnishing such further information or assistance as may be required by the Board.

**§1210. Other Jurisdiction.** Conviction of a felony subsequent to registration in the field by any state, territory or possession of the United States, or the revocation or suspension of a professional engineer's architect's or land surveyor's license by another jurisdiction, if for a cause which in the Territory of Guam would constitute a violation of 5 GCA § 3106, Art. 1 Chapter 3 relative to Professional Engineers, Architects, and Land Surveyors or of these Rules, shall be grounds for a change of violation of these Rules.