

# What business had he to be on that galley?

Professional relationships can lead to the best things... and the worst! Someone with whom you have a long standing business relationship asks you to do something a bit on the shady side, and suddenly you are tempted! Before climbing aboard a sinking ship, take the time to peruse the Code of ethics of engineers and read the story of an engineer who sincerely regretted his decision.

## AN ILL-ADVISED

A few years ago, the owners of an equipment rental business begin the reconstruction of their building which was destroyed by a fire. The contractor, with whom they signed a turnkey contract, submits the required permit applications, including some plans, to the municipality. It should be noted that those plans are not signed nor sealed by any engineer or architect.

Construction is carried out quite smoothly and is even nearly completed when an issue arises between one of the owners and the contractor hired for the work. The co-owner consults an engineering firm, first for advice and then to get an expert report relating to structure and foundations. The mandate includes verifying the cracks in the mezzanine, the slab and foundations, as well as reviewing the plans submitted by the contractor.

At that point, the respondent engineer comes into play in the matter.

## A BAD DECISION THAT LEADS TO OTHERS

When meeting the contractor in his office, the engineer knows nothing of the story we've just described. However, he sees before him a good client, one that he's known for a long time, whom he trusts and who seems panic stricken. The client explains that he has lost the original plans and specifications, which had been signed and sealed by another engineer, and asks the respondent engineer to sign and seal copies of the plans presented to him and which are dated before construction began.

The engineer accepts and accommodates the contractor, free of charge.

Consequently, the co-owner of the business receives signed and sealed plans, but she is surprised to see documents that do not correspond to the plans and specifications she saw earlier. She also points out that the plans are incomplete.

Further events unfold: the engineering firm retained by the co-owner submits its report, meets with the engineer in question, provides him with a series of questions and asks him to sign a document confirming the date on which the plans were signed and sealed. During a subsequent meeting, the engineer presents a second series of plans and specifications that he worked on himself.

He explains that he had no input whatsoever in the design, and that another engineer prepared the plans and specifications.

However, the other engineer informs the firm hired by the co-owner that all he did in this file was provide a few calculations and sketches, and that he never signed nor sealed the plans.

Faced with this difficult situation, the engineer at fault admits his mistake and removes his seal and signature. He would later say that his client "trapped him" and that he had been "usurped"... a "lesson" he could have done without.

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## BEFORE THE DISCIPLINARY COUNCIL

Having been taken for a ride, so to speak, the engineer must also face the consequences and answer for his actions before the Ordre des ingénieurs du Québec's Disciplinary Council. It bears mentioning that the building's owners suffered important damages because of his behaviour, including a disruption of their business activities.

The Disciplinary Council finds the respondent guilty on eight counts of inappropriately affixing his seal and signature on two series of plans. These counts are based on the following sections of the Code of ethics of engineers:

"2.01. In all aspects of his work, the engineer must respect his obligations towards man and take into account the consequences of the performance of his work on the environment and on the life, health and property of every person."

"3.02.04. An engineer must refrain from expressing or giving contradictory or incomplete opinions or advice, and from presenting or using plans, specifications and other documents which he knows to be ambiguous or which are not sufficiently explicit."

"3.04.01. An engineer must affix his seal and signature on the original and the copies of every engineering plan and specification prepared by himself or prepared under his immediate control and supervision by persons who are not members of the Order."

"An engineer may also affix his seal and signature on the original and the copies of documents mentioned in this section which have been prepared, signed and sealed by another engineer."

"An engineer must not affix his seal and signature except in the cases provided for in this section."

"3.02.08. An engineer shall not resort nor lend himself to nor tolerate dishonest or doubtful practices in the performance of his professional activities."

"4.02.04. Where a client requests an engineer to examine or review engineering work that he has not performed himself, the latter must notify the engineer concerned thereof and, where applicable, ensure that the mandate of his colleague has terminated."

The respondent completely admits the allegations and sincerely regrets his actions. Considering that the engineer does not have a disciplinary record, the Disciplinary Council accepts the proposed sanctions presented by both parties. It sentences the respondent to pay two fines amounting to \$3,000; the Council also temporarily strikes

the respondent off the roll for four three-month periods, to be served concurrently, and orders two reprimands. The respondent is also ordered to pay the disbursements as well as the costs associated with publishing a notice of the decision in a newspaper.

### **SOMETHING TO THINK ABOUT!**

Next time a client, an employer, a colleague or even a friend asks you to do something fishy, you should ask yourself: "What business do I have to be on this galley?"<sup>1</sup> And think of the consequences of what is asked of you. Your decision will be all the more informed.

1. A well-known line from Molière's *Les fourberies de Scapin*: "What business had he to be on that galley?" («*Que diable allait-il faire dans cette galère?*»), this line was used again in *Cyrano de Bergerac's Le pédant joué*.