

## Ethics for Professional Land Surveyors

Wisconsin Society of  
Land Surveyors  
72<sup>nd</sup> Annual Institute (2021)



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## Disclaimer

MANY COURT CASES ARE REVIEWED HERE BUT ONLY SOME OF THE PERTINENT FACTS ARE PRESENTED. MANY OTHER DETAILS ARE NOT INCLUDED HEREIN. YOU ARE ENCOURAGED TO READ AND UNDERSTAND THE ENTIRITY OF THESE AND/OR SIMILAR CASES OR LAWS WHEN CITING THEM.



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## What is a professional

- Profession
  - business in which one *professes* to have gained some knowledge used for instruction, guidance, advising and service
    - Learned professions: doctors, clergy, attorneys
    - Loosely: any vocation
  - Full time occupation, school, university, association, ethics, licensing laws



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## What is a professional

- What sets us apart?
  - Education
  - Experience
  - Governing body
    - Issue licenses
    - Set rules
    - Enacts rules



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## Professionalism

- Professional ethics
  - WHY** – The rules or standards governing the conduct of a person or the members of a profession (Bristow 2009)
  - rules to establish the right or wrong of actions (Horton 2018)
- Professional conduct
  - WHAT** – The manner in which we act or carry out our business
  - The manner in which we revere our profession and other professionals



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## Professional Stature

### THE POSSESSION OF A LICENSE DOES NOT MAKE ONE A **PROFESSIONAL**

- PRINCIPLE 1. Professional Stature cannot be attained by self-proclamation; it must be earned, and others must bestow the title on the professional.
- PRINCIPLE 2. Superior and distinct education in a field of knowledge is one essential feature of a profession.
- PRINCIPLE 5. The surveyor does not attempt to injure falsely or maliciously, directly or indirectly, the professional reputation, prospects, or business of another surveyor

(Robillard, Wilson, Brown 2006)



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## Professional Stature

- PRINCIPLE 6. In the event a property surveyor discovers an error or disagrees with the work of another property surveyor; it is the duty of that surveyor to inform the other surveyor of such fact.
- PRINCIPLE 8. it is unprofessional to act in any manner or engage in any practice that will tend to bring discredit on the honor or dignity of the surveying profession.
- PRINCIPLE 12. Professionals may have differences of opinion. Simply a difference of opinion will not constitute negligence.

(Robillard, Wilson, Brown 2006)



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## Is negligence ethical?

- Negligence: "Failure or omission to do something that a reasonable man, guided by those considerations that ordinarily regulate the conduct of human affairs, would do" (Lucas 2012)
  1. Surveyor must owe a duty to individual/claimant
  2. Breach of contract or duty
  3. Causation must be proven
  4. Actual (and visible) damages, harm or injury



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## Is negligence ethical?

Surveyor may be found negligent for not following professional practice accepted by others

- Judged against standard of average-skilled surveyor



Average skilled surveyor abides by state law and professional societies



State law requires ethical behavior



∴ Therefore negligence is related to ethics



IPLSA 2020

## What happens when...

- How to respond to a complaint from licensing board
  - Don't let it get to board level
    - Reach out to client when you hear of complaint, probably in writing
    - Be respectful and give clear reasoning
    - Assume communication will go to board

(Hermansen 2012 – A Complaint Has Been Filed Against Me!)



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## What happens when...

- How to respond to a complaint from licensing board
  1. Take the complaint very seriously
    - Don't assume it will be dismissed because you are correct
    - Realize that complaints must go through a process once created
  2. Consult legal counsel
    - Complaint could lead to fine/suspension/revocation
    - Counsel should at least review all correspondence

(Hermansen 2012 – A Complaint Has Been Filed Against Me!)



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## What happens when...

3. Only submit what is being asked for \*
  - \* Unless additional material is necessary to lead to dismissal
    - Additional material may create more questions than answers
    - Example: complaint is for inadequate communication but survey submitted may not adhere to minimum standards

(Hermansen 2012 – A Complaint Has Been Filed Against Me!)



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## What happens when...

4. Carefully review any documents prior to submission
  - Identify deficiencies and prepare response (or just apologize)
5. Prepare all possible arguments, no matter the complexity
  - Only those arguments offered at the hearing will be allowed for appeal

(Hermansen 2012 – A Complaint Has Been Filed Against Me!)



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## What happens when...

6. Examine all methods of defense deemed advantageous
  - Defense analysis questions
    1. Is the discipline warranted by facts: address all assertions, no matter how petty (seemingly)?
    2. Does common law or statutory immunity exist to prevent prosecution?
    3. Did board investigator violate any process?
    4. Did the board exceed their authority?
      - » Investigate statute authorizing board's involvement

(Hermansen 2012 – A Complaint Has Been Filed Against Me!)



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## What happens when...

7. Responses should always be reviewed before submission to the board
  - Complaint response is first and best opportunity to argue for dismissal
  - Responses should be concise, focused and thoughtful
8. There are not friends on the board
  - Board members have legal obligation to be impartial
  - In an effort to show no bias, a board member may draw out proceedings
9. Hope for divine intervention

(Hermansen 2012 – A Complaint Has Been Filed Against Me!)



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## Professionalism claim

**Lawrence M. Bixenmann and Norma J. Bixenmann , appellants, v. Dickinson Land Surveyors, Inc ., appellee.**

\_\_\_ N.W.2d \_\_\_  
Filed August 5, 2016. No. S-15-695.



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## Bixenmann v. Dickinson Land Surveyors, Inc

- Original Claim: Negligence against Dickinson for placing a stake at the property corner
  - Result: Summary judgment in favor of Dickinson
- Appeal claim:
  - Finding that Dickinson was a professional
  - Holding that Bixenmann's must present expert testimony for rebuttal
  - Finding alleged negligence was not in layperson's general knowledge
  - Entering summary judgement in favor or Dickinson



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## Bixenmann v. Dickinson Land Surveyors, Inc

- Background
  - Property owned by Bixenmann in [Keith County, Nebraska](#)
  - June 2010 Dickinson hired to survey parcel for sale
  - Dickinson performed the survey, set rebar flush at corners, drove stakes firmly in ground
  - Stakes approx. 12" tall with 1-2" of grass
  - Lawrence Bixenmann witnessed a portion of the survey
  - June 22: Bixenmanns visit property to retrieve lawn mowers from storage building



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## **Bixenmann v. Dickinson Land Surveyors, Inc**

- Background (cont'd)
  - Bixenmanns returned in that evening to replace lawnmowers
  - Lawrence B. tripped and fell over stake near driveway while unloading, causing serious injuries to his hip
  - Bixenmanns brought an action against Dickinson for negligence and loss of consortium



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## **Bixenmann v. Dickinson Land Surveyors, Inc**

- Background (cont'd)
  - Court ruled that because Dickinson was a professional, his failure to exercise reasonable care must be proven by expert testimony
  - Bixenmanns did not present expert testimony, therefore court ruled they could not prevail



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## Bixenmann v. Dickinson Land Surveyors, Inc

- Appeal analysis
  - Court must first decide if surveyors are professionals for purpose of professional negligence
  - Courts definition of “profession”
    - a calling requiring specialized knowledge and often long and intensive preparation including instruction in skills and methods as well as in the scientific, historical, or scholarly principles underlying such skills and methods, maintaining by force of organization or concerted opinion high standards of achievement and conduct, and committing its members to continued study and to a kind of work which has for its prime purpose the rendering of a public service.
    - (emphasis added)



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## Bixenmann v. Dickinson Land Surveyors, Inc

- Appeal analysis (cont’d): What is a professional?
  - Requirement of license is not absolute but “strongly indicates that an occupation is a profession”
  - Preparation and training are important factors of professionalism
  - College degree indicates preparation and training, it is not required



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## Bixenmann v. Dickinson Land Surveyors, Inc

- Appeal analysis (cont'd): What is a professional?
  - Physical therapists are professionals
    - Physical Therapy Act requires licensure, including education and exam
    - Require completing “long and intensive program of preparation”
    - Render a public service, have continuing education requirements and professional discipline for ethical and professional violations
  - Abstractors are professionals
    - Abstractors Act
    - Written exam and 1 year experience; must complete professional development credits
    - Provide public service



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## Bixenmann v. Dickinson Land Surveyors, Inc

- Appeal analysis (cont'd): What is a professional?
  - Retirement planners are not professionals
    - Do not have specialized training with long and intensive preparation
    - Do not hold license
    - Do not regularly supplement education
    - Not subject to ethical code enforced by disciplinary system



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## Bixenmann v. Dickinson Land Surveyors, Inc

- Appeal analysis (cont'd): What is a professional?
  - Nebraska surveyor
    - Exam and specific experience
    - Four years education requirement
    - Must complete professional development
    - Subject to a code of practice
    - Primary purpose of work is public service
  - THEREFORE SURVEYORS ARE PROFESSIONALS



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## Bixenmann v. Dickinson Land Surveyors, Inc

- Appeal analysis (cont'd): Did Bixenmanns prove case?
  - In general, expert testimony is required to prove standard of care in professional negligence cases
  - Bixenmanns argue it wasn't professional negligence but rather ordinary negligence because stakes were placed where not clearly visible
  - Also argue that expert testimony is not necessary because of the common knowledge exception
    - Evidence and circumstances are such that the layperson could recognize alleged negligence



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## Bixenmann v. Dickinson Land Surveyors, Inc

- Conclusion
  - District court did not err in original ruling since Dickinson was hired by the prospective buyers, not the Bixenmanns
  - Surveyors duty of reasonable care is to client and not third parties



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## Negligence claim

**IRON SHIELDS** Inv., LLC Plaintiff,

v.

**MILLER,**

Docket No. FBTCV166059810S

Superior Court of Connecticut,  
Judicial District of Fairfield At Bridgeport.

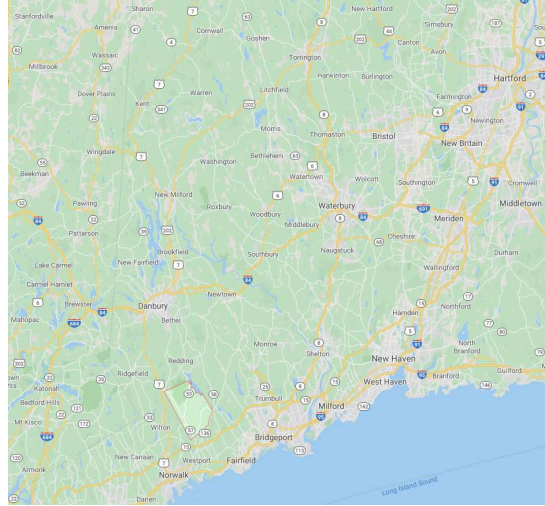
Decided: June 5, 2019.



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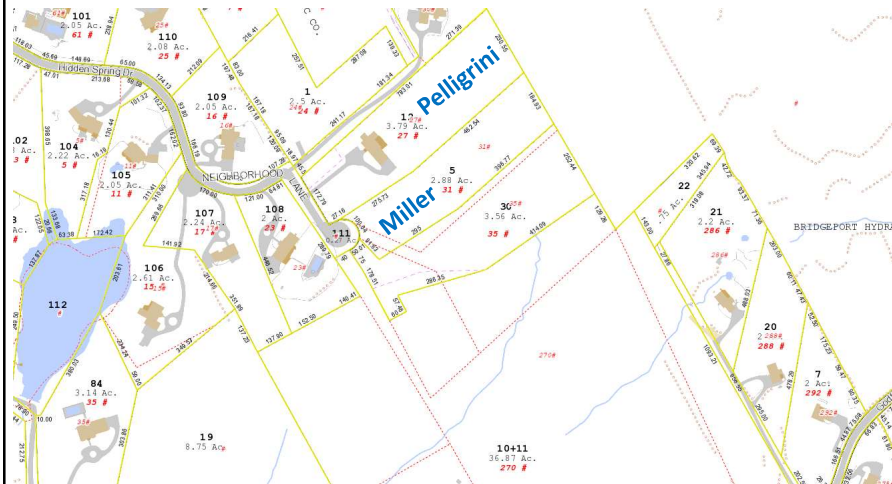
# IRON SHIELDS v. MILLER

- Background
  - Fairfield County, Connecticut
  - Until 2014 Pelligrinis and Millers owned adjacent property in Weston, Connecticut



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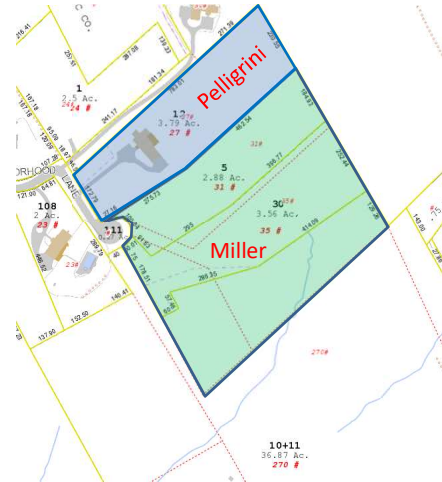
# IRON SHIELDS v. MILLER



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## IRON SHIELDS v. MILLER

- Background
  - 2006 D'Amico survey
    - Pelligrini – 3.95 acres
    - Miller – 9.87 acres



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## IRON SHIELDS v. MILLER

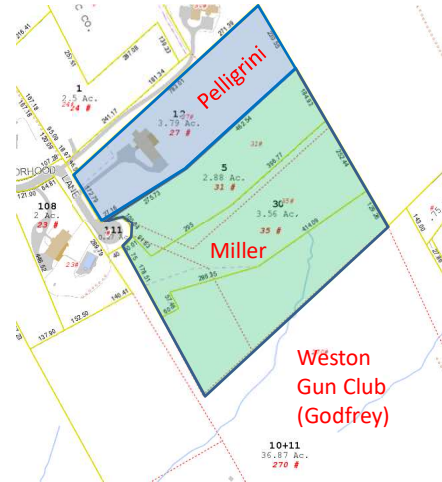
- Background – Research
  - Title search, assessor field cards
  - Maps
    - Miller property
    - Pelligrini Property
    - S.W. Hoyt Co for Pelligrini parcel: 3.9477ac
      - » Combined 13.816ac
  - Pelligrini & south parcel deed = 14ac +/-



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## IRON SHIELDS v. MILLER

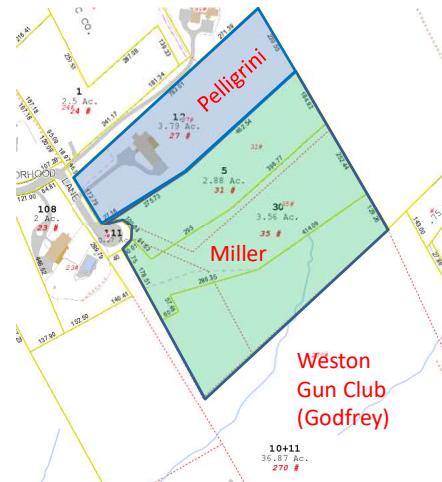
- Background – Research
  - S.W. Hoyt depicts south line of 10 acre parcel with 2 stones
    - Between Miller property and Weston Gun Club (fomer Godfrey)
  - D’Amico found 2 stones that lined up with parcels
    - Result: Miller 10 acres



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## IRON SHIELDS v. MILLER

- Background – Research
  - 1960 Weston Gun Club survey
    - 24 acres
    - Shows several boundary lines w/ Miller
    - 5 stone markers



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## IRON SHIELDS v. MILLER

- Background – Research
  - D’Amico’s line connected 2 stones different than 1960 survey
    - Relied on 1928 description to Godfrey on S.W. Hoyt plat
    - Noted overlap w/ Weston Gun Club but felt his line was accurate
    - Survey does NOT note any stone bounds or discrepancies



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## IRON SHIELDS v. MILLER

- Background – Current suit
  - February 2014 Iron Shields purchases 4 acre Pelligrini parcel
  - March 7, 2014 Iron Shields buys survey of Miller property from D’Amico
  - March 31, 2014 Iron Shields purchases Miller property with intent to develop Miller & Pelligrini into lots



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## IRON SHIELDS v. MILLER

- Background – Current suit
  - November 3, 2014 Weston Planning and Zoning approves 3 lot division
    - Based on a [revised 2014 D’Amico survey](#)
  - After approval Weston Gun Club contacts Iron Shield engineer, notify of tree clearing on their property
  - Weston Gun Club and Iron Shields settle out of court
    - (Third party surveyors hired by WGC admit that WGC didn’t definitively have claim to 4 acres from Miller)



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## IRON SHIELDS v. MILLER



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## IRON SHIELDS v. MILLER

- Analysis – Negligence
  1. Duty
    - Surveyors can be held liable for to subsequent purchases (10 year statute of limitations)
    - Standard of care is present because of statutes and standards



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## IRON SHIELDS v. MILLER

- Analysis – Negligence
  2. Causation
    - Iron Shields contends they would not have purchased the property if the conflict had been disclosed
  3. Damages
    - Iron Shields claims \$506,231.84 in damages
      - » \$325k for purchase
      - » Loss of 3<sup>rd</sup> lot in subdivision



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## IRON SHIELDS v. MILLER

- Conclusion –
  - Court finds in **favor of Iron Shields**
  - D’Amico ordered to pay \$41,060.77



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## Standards of Prof. Conduct

Daniel Earl **KENDALL** and Nancy Kay Kendall, Appellees,

v.

Clement C. **LOWTHER** and Irene Lowther, Appellants,

and

Larry E. Unash and Joan L. Unash, Appellees.

No. 83-290.

Supreme Court of Iowa.

356 N.W.2d 181 (1984)

September 19, 1984..



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## KENDALL v. LOWTHER

- 1973: Lowther purchased 36 acres
- 1975: Lowther hire Brummer to measure lot & provide legal for new house (Kendall Property)

“That part of the East 110 feet of the West 753.5 feet of the South 940 feet of the Southwest Quarter of Section 6-82-6, Linn County, Iowa, lying Northerly of the public road.”

(adapted from Lucas 2012)

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## KENDALL v. LOWTHER

- Brummer told client legal description & survey were not accurate (only a “Location Survey) and not to be used for a sale
  - Charged \$40 for survey & \$20 for legal description
  - Placed NW corner 40-45’ west
  - Lot measured 100’, not 110’
- 1976: Lowther/Nischwitz walk property, find 4 corners
  - Nischwitz erects fence 5’ from Lowther farm

(adapted from Lucas 2012)

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## KENDALL v. LOWTHER

- 1976: Lowther hires Brummer to survey & stake farmhouse property
  - Brummel uses his previous stakes along east line Kendall
- 1978: Nischwitz sells to Kendall
  - Find 2-3 pins, none at northwest corner

(adapted from Lucas 2012)

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## KENDALL v. LOWTHER

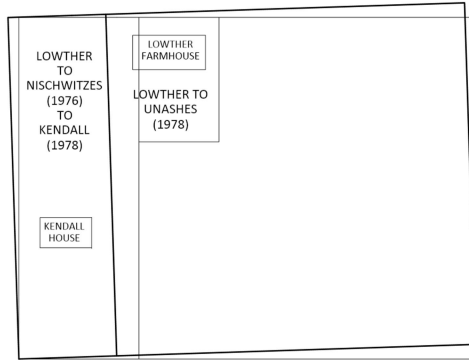
- 1978: Lowther sells to Unashes
  - Hires Conklin to divide remaining land
  - Conklin find all of Kendall's corners except northwest
- Kendalls become alarmed, hire Brummer to survey parcel
  - Brummer realizes mistakes, creates new survey to match legal description
  - Rotates boundary to match lines
  - Result is that east line Kendal overlaps Unashes farmhouse

(adapted from Lucas 2012)

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## KENDALL v. LOWTHER

- Kendalls bring action against Unashes to quiet title
- Kendalls & Unashes make claim against Lowthers & Brummer for damages, claim negligence
- Court quiets title in favor of Unashes



(adapted from Lucas 2012)



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## KENDALL v. LOWTHER

- Court recognizes that Kendalls have superior legal title, but...

“The Unashes have cared for, maintained, and been in actual possession of their lot as monumented since their purchase from the Lowthers. To quiet title in accordance with the legally described property contained in the Kendall and Unash deeds would result in either great expense or inequity to the Unashes. In the event this court were to quiet title to the disputed property in Kendalls, Unashes could be required to remove their home from the Kendall property.”



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## KENDALL v. LOWTHER

- Where did Brummer err?
- Was he unethical?
- Did he breach the standards of professional conduct?



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## Standards of Prof. Conduct

J. Randy **HERRON**, Petitioner,

v.

**NORTH CAROLINA BOARD OF EXAMINERS FOR  
ENGINEERS AND SURVEYORS**, Respondent.

No. COA15-1382.

Court of Appeals of North Carolina.

July 5, 2016



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## HERRON v. NC B.O.E.S

- Background
  - Herron Licensed in 1989
  - July 2004: BOE notifies Herron of evidence supporting negligence, incompetence & misconduct
    - » Fine of \$2000 & must complete CE course in ethics
  - Herron doesn't complete the course within 90 days
  - April 2005: BOE suspends license; Herron completes course
  - May 2010: More evidence of negligence, incompetence & misconduct
    - » Penalty: \$2k and Herron's license is suspended 3 months



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## HERRON v. NC B.O.E.S

- Background (cont'd)
  - November 2011: BOE sends notice that license is up for annual renewal
  - Herron does not renew, license suspended Jan. 1 to Feb. 28 when paid
    - » Herron signs 5 plats during that period
  - June 2012: BOE sends notice that they are investigating practicing without a license and that the plats violate certain provisions of code governing surveying



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## HERRON v. NC B.O.E.S

- Background (cont'd)
  - March 2013: Herron's hearing gets approved at Board meeting
    - » Approval is unanimous
    - » No board member had read committee's recommendation to suspend Herron's license
  
  - September 2013: BOE conducts hearing
    - » Herron asks for hearing in front of Administrative Law Judge instead of BOE, get's denied



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## HERRON v. NC B.O.E.S

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  - March 2013: Herron's hearing gets approved at Board meeting
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## HERRON v. NC B.O.E.S

- BOE Hearing
    - BOE primary witness (Kristopher Kline, surveyor)
      - » Familiar with Herron’s work, “regular pattern of substandard work”
- |   |   |
|---|---|
| 1. Practicing without a license.                                  | didn’t believe it was a valid ROW or easement.)   |
| 2. No ties on several plats                                       | 6. Lack of monumentation.   |
| 3. No ties to outside of subject parcel (adjoining parcel)        | 7. Petitioner’s practice of signing his plats in red ink, even though requires the signature to be legible and the plat to be reproducible. |
| 4. Repeated failure to mark ROW (source, width, etc.)             |   |
| 5. Failure to include a ROW that appeared in a prior map, (Herron |   |



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## HERRON v. NC B.O.E.S

- BOE Hearing
  - Herron presented 3 local surveyors
    - » Each said Herron was competent and surveys were adequate for their use
    - » Each also admitted they were unfamiliar with the Rules and Regulations and whether Herron’s work followed them
  - Herron admitted to practicing without a license
  - Herron admitted he knew why ties were important
  - Herron generally conceded to being wrong
- Result: license suspended



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## HERRON v. NC B.O.E.S

- Herron appealed:
  - No “fair and impartial hearing by an unbiased fact finder”
  - Trial court agreed and gave him his license back and ordered retrial with Administrative Law Judge
- BOE appealed
  - Found trial court erred, Herron’s due process rights were not violated



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## Standards of Prof. Conduct

### United States of America v. Jason Needham

Federal Courthouse - Memphis, Tennessee

Case Number: 2:17-cr-20097-JTF

Date: 04-20-2017



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## USA v. NEEDHAM

- Background
  - Jason Needham PE former employee Allen & Hoshall
    - » 2013: Became co-owner of HNA Engineering
  - Tom Needham: Former President-Allen & Hoshell
    - » 2010: Became Shelby County Public Works Director



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## USA v. NEEDHAM

- Background
  - 2014-2016: Jason Needham “repeatedly accessed” the network of Allen & Hoshell
    - » Obtained engineering schematics and 100+ PDFs with proposals and project budgets
    - » Admitted to “hundreds of occasions” of accessing employee email account for marketing plans, proposals, fee structures and account credentials for document sharing system

(WMC Action news 2017)



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## USA v. NEEDHAM

- Conflict of interest (?)
  - Tom Needham has approved secondary employment as consultant for HNA Engineering
    - » “Principal” on business card; title per J. Needham
  - “HNA has not applied for any project nor been on any team to do a project” –T. Needham
  - T. Needham submitted proposal for HVAC work for Agricenter International
    - » Overseen by Shelby County council of which T. Needham is a member
    - » Agricenter International retained HNA Engineering for work after proposal submitted

(WMCA 201)



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## USA v. NEEDHAM

- Results
  - Jason Needham plead guilty 08/04/2017 (US DOJ 2017)
    - » \$172,393.71 fine
    - » 18 months jail time
    - » 2 years supervised release
  - 09/2018: Listed as “County Engineer” on Shelby County website and “Public Works Director” on LinkedIn



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## ETHICAL LIABILITY

Yeo Lai Sah Monastery and Zen **TEMPLE** of America,  
v.  
George **NELIDOV**

Court of Appeal of California, Third Appellate District  
2006 Cal. App. Unpub. Lexis 2766

Filed April 4, 2006



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## TEMPLE v. NELIDOV

- Background
  - 1968: Price sells 27ac to Petersen based on Wolff survey
  - 1977: Petersen divides to 2 lots, using 1968 east & west lines; 1978: divides east lot using 1968 east line
  - 1984: Nelidovs purchase a Petersen lot
    - » Vacationed there since 1950's
    - » 1997: Karen Nelidov (daughter) moves to property
    - » 2000: Nelidovs built house at same location as previous cabin
    - » Obtain ingress/egress easement over future Temple lot



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## TEMPLE v. NELIDOV

- Background
  - 1985: Price subdivides a lot using same lot lines as 1977 division (Waddell – Surveyor)
  - 2000: Seol Jo Lee (Master Lee) purchases lot
    - » East boundary Temple = West boundary Nelidov
    - » Questioned parcel lines, \$8k discount at sale for survey



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## TEMPLE v. NELIDOV

- [El Dorado County Google Map](#)
- [El Dorado County Assessor](#)



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## TEMPLE v. NELIDOV

- Background
  - Master Lee measures lot, finds 140' difference
    - » Hires Carlton Engineering to survey parcel
      - Find no discrepancy, Eastern boundary is consistent with 1977 map & Nelidov deed
      - Refuse to set new stakes at Master Lee's request
    - » 2001: Hires land use expert, agrees with Carlton: No question as to location of boundary
    - » Master Lee fires attorney & all consultants,



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## TEMPLE v. NELIDOV

- Background
  - Karen Nelidov waiting on occupancy certificate
  - Receives letter from Master Lee's new attorney to cease and desist construction due to encroachment
    - » June 2001 receives occupancy
  - Master Lee hires surveyor Steven Gardner
    - » 1 year later Gardner finds lot line is off 147'
    - » Presents letter & map to Master Lee, who requests is be recorded
    - » July 2002 Gardner sets new monuments, placing Nelidov property on Temple's



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## TEMPLE v. NELIDOV

- Background
  - August 2002: County refuses to record map, gives list of suggestions; Gardner and Master Lee ignore suggestions
  - Temple drills well adjacent to Nelidov easement, debris blocks driveway; debris removed 5 months later
  - December 2002: Temple files suit to quiet title
    - » Nelidov cross-complains with Slander of Title and easement blocking



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## TEMPLE v. NELIDOV

- Background
  - March 2003: Gardner records map with “area of conflict”
  - April 2003: Temple trenches across easement, Nelidov’s car gets stuck; \$4669 worth of repair



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## TEMPLE v. NELIDOV

- Decision
  - Trial court finds in favor of Nelidov
    - » No factual basis for Temple’s claim to ownership
    - » “Since both parcels were subdivided by the grant deed from a common owner, the successors in interest are bound by his designations of the boundaries in the grant deeds.”
    - » Court found boundary line established by deeds is an agreed boundary



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## TEMPLE v. NELIDOV

- Decision
  - Nelidov experts testified that Gardner had no factual or legal basis for recording map
    - » Temple and Gardner insist map must be recorded

Section 8762 of Business and Professions Code

*Subdivision (b)(3): a surveyor is required to record a map if the surveyor discovers evidence that after reasonable analysis a materially different boundary line may result*



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## TEMPLE v. NELIDOV

- Decision
  - Temple asserts survey was recorded after quiet title action to “depict an area of conflict...”
  - Nelidov’s claim the publication of a boundary dispute is the essence of their disparagement claim
    - » Gardner admits he only recorded survey to advance the boundary dispute, only because he thought it was required
  - **The survey was the instrument that caused cloud of title**



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## Standards of Prof. Conduct

Dennis E. RITTER, Appellant,

v.

STATE of Washington, **BOARD OF  
REGISTRATION FOR PROFESSIONAL ENGINEERS  
AND LAND SURVEYORS,**

Respondent.

Court of Appeals of Washington, Division 2.

No. 40010–3–II.

Decided: May 11, 2011



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## RITTER v. WA B.O.R.

- Background
  - Ritter licensed as an engineer in 1991
  - 1996: Public works director for city of Lacey
  - Known to use sound judgement, objective, fair, ethics and morals to strive for
  - 2007: Ritter convicted of 3 counts of child molestation involving a family member from 1998
    - » Ritter was sentenced to 130 hours of community service, registration as sex offender, and prohibited contact with minor children
  - 2008: BOR initiated proceedings



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## RITTER v. WA B.O.R.

- Board of Registration proceedings
  - Allegation: Ritter had committed unprofessional conduct
  - Ritter argued that the convictions didn't affect skill as a PE
    - » Presented several letters from fellow PE with extremely high praise



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### RITTER v. WA B.O.R.

- Board of Registration conclusions
  1. First degree child molestation is an act of moral turpitude.
  2. Professional engineers are regulated and licensed to safeguard life, health and property, and to promote the public welfare.
  3. An engineer is required to demonstrate they are qualified to practice as an engineer in order to be licensed.
  4. “Good character and reputation” are included in the statutorily required qualifications for licensing



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### RITTER v. WA B.O.R.

- Board of Registration conclusions
  5. Ritter’s crimes are inconsistent with the statutory requirements of good character and reputation.
  6. Ritters's crimes are contrary to the conduct and standards generally expected of those practicing professional engineering.
  7. Respondent's crimes constitute unprofessional conduct , prohibited conduct under, for which discipline may be imposed.
  1. BOR suspended Ritter’s license for 5 years minimum



WSLS 2021

## RITTER v. WA B.O.R.

- Ritter Appeals (twice, first upholds decision), claiming BOR misinterpreted and misapplied the law
- After review of act, court finds that in order for BOR to suspend a license there must be a connection between conviction and practice
  - Ritter’s profession is one that does not deal with children regularly
  - Incident occurred 10+ years earlier, no convictions since, maintained high professionalism
  - Convictions don’t undermine profession
- Conclusion: board misinterpreted and misapplied law, decision reversed



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# Thank You

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# Questions?

Legal summaries available upon request



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