

Case 5: Confidentiality of Engineering Report

Engineer A offers a homeowner inspection service, whereby he undertakes to perform an engineering inspection of residential property for prospective purchasers. Following the inspection, Engineer A renders a written report to the prospective purchaser. Engineer A performed this service for a client (husband and wife) for a fee and prepared a one page written report, concluding that the residence under consideration was in generally good condition requiring no major repairs, but noting several items needing attention. Engineer A submitted his report to the client showing that a carbon copy of it was sent to the real estate firm handling the sale of the residence. The client objected that such action prejudiced their interests by lessening their bargaining position with the owners of the residence. They also complained that Engineer A acted unethically in submitting a copy of the report to any others who had not been a party to the agreement for the inspection services.

Question: Did Engineer A act unethically in submitting a copy of the home inspection report to the real estate firm representing the owners?

Engineer A acted unethically in submitting a copy of the home inspection to the real estate firm representing the ~~my~~ owners.

References:

"Engineer shall not reveal facts, data, or information obtained in a professional capacity without the prior consent of the client or employer except as authorized or required by law on this code."

"Engineer shall issue public statements only in an objective and truthful manner."

"Engineer shall act in professional matters for each employer or client as faithful agents or trustees."

Discussion:

We read into the case an assumption that Engineer A acted without thought or consideration of any ulterior motive; that he, as a matter of fact, ~~consideration~~ considered it right and proper to make his findings known to all interested parties in order that the parties handle their negotiations for the property with both sides having the same factual data flowing from his services.

Thus although we tend to exonerate Engineer A of substantial or deliberate wrongdoing, he was nevertheless incorrect in not recognizing the confidentiality of his relationship to the client. Even if the damage to the client, if any in fact, we slight the principle of the right of confidentiality on behalf of the client ~~predominates~~ predominates.