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THE SFPE ETHICS COMPLAINT DECISION

Subject: RE: FDS/Ethics Complaint-SFPE Responds
From: "FPE...@aol.com ("FPE...@aol.com)"
Date: Apr 14, 2009 11:07:19 am
List: com.googlegroups.fds-smv

The following letter received today addresses the SFPE ethics complaint against Dr. Craig Beyler regarding Dr. Beyler's presentations to the ICC Code Technology Committee on May 22, 2009 and November 14, 2009.

Richard Schulte Schulte & Associates Building Code Consultants Chicago/New Orleans
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Note: The following copy of SFPE's letter was "re-typed" and may contain minor errors in the text.

Society of Fire Protection Engineers

April 14, 2009

Mr. Richard Schulte
Schulte & Associates
880D Forest Avenue
Evanston, IL 60202

Dear Mr. Schulte:

The Society of Fire Protection Engineers has received a complaint from you alleging that Dr. Craig Beyler violated SFPE's Canons of Ethics. The Ethics Committee and the Executive Committee of the Society of Fire Protection Engineers have reviewed this matter, and the Executive Committee upholds a decision by the Ethics Committee that Dr. Beyler did not violate the SFPE's Canon of Ethics.

The complaint, received on July 26, 2008, alleged that Craig Beyler violated Canons 6 and 15 of SFPE's Canon of Ethics. These state as follows:

Canon 6: Fire protection engineers shall be honest and truthful in presenting data and estimates, professional opinions and conclusions, and in their public statements dealing with professional matters.

Canon 15: Fire protection engineers shall perform professional services using only those engineering methods and tools which are appropriate for the specific application.

An initial determination by the Ethics Committee found that the complaint was outside of their scope, as they felt that the complaint constituted a technical issue and not a matter of violation of the SFPE's Canon of Ethics. This determination was communicated to you on August 14, 2008. You appealed this determination to the Executive Committee, and the Executive Committee directed the Ethics Committee to rehear the complaint using all the information that had been received related to this matter by SFPE.

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While the Ethics Committee was considering your initial complaint, a second, related complaint was received from you dated December 14, 2008. This complaint alleged that Dr. Beyler violated Canon 6 as well as the preamble and fundamental principles sections of the Canon of Ethics. As the Ethics Committee felt that this second complaint addressed the same issue as the first complaint, they were considered collectively.

By a unanimous vote of the Ethics Committee, they found that Dr. Beyler did not violate SFPE's Canon of Ethics in this matter. The Ethics Committee considers that the burden of proof of a violation of the Canon of Ethics is on the complainant to demonstrate the unethical behavior occurred in the use of the FDS for the stated application, and that Dr. Beyler intentionally concealed the fact that FDS was used outside of known limitations. After a review of all information submitted by you and Dr. Beyler, the Ethics Committee found that the allegations of misrepresenting the capabilities of FDS for the stated application (in the Hughes Associates, Inc. report), and further misleading the ICC CTC (in two presentations) are without merit.

In reaching this decision, the Ethics Committee reiterated its previous findings that this is a difference of technical opinion between two parties in an ICC code change forum. Such a venue appropriately provides for both sides present their positions and rebut the opponent's claims before a technical committee, which will make a decision on the credibility of the two positions.

The Ethics Committee and the Executive Committee acknowledge that fire protection engineers regularly participate in such code change forums with a full understanding of ethical behavior as articulated in the Canons. The Ethics Committee and Executive Committee find that Dr. Beyler did not breach the Canon of Ethics as articulated in the Canons. The Ethics Committee and the Executive Committee find that Dr. Beyler did not breach the Canon of Ethics in presenting his case to the ICC CTC on behalf of a client. This does not imply that the Ethics Committee or the Executive Committee agrees or disagrees with the results of the use of the FDS for the stated application; but only that a breach of the Canons of Ethics did not occur by Dr. Beyler in conducting and presenting the work.

Ethics Committee members Harold Nelson and Jack Woycheese, and Executive Committee member Michael Madden did not participate in these decisions.

Sincerely,

Richard J. Davis, P.E., FSFPE
President

Discussion

Based upon the above, it would appear that the Society of Fire Protection Engineers considers making false and/or misleading statements in a code development forum to be acceptable ethical practice. While such practice may comply with the ethical standards of the legal profession, the ethical standards of the engineering profession exceed those of the legal profession.

It is my opinion that the above decision, for all intents and purposes, renders the SFPE Canon of Ethics meaningless.

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