



# Failure To Demonstrate a Consistent Pattern of Reasonable Care and Competence; Wanton Disregard of the Rights of Others; Making False Statement of Material Fact; Failure To Respect the Professional Contributions of Colleagues

## Summary

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The National Ethics Council (“Council” or “NEC”) ruled that an AIA Member violated Rules 1.101, 2.104, 4.103, and 5.301 of the Institute’s Code of Ethics and Professional Conduct (“Code”) by conducting a campaign of personal harassment against the Complainant under the guise of seeking to enforce building code compliance.

The NEC imposed the penalty of termination of membership on the Member.

**All initials, names, dates, places, and gender references in this decision have been changed.**

## References\*

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*2004 Code of Ethics and Professional Conduct, Canon I, General Obligations*

Rule 1.101 In practicing architecture, Members shall demonstrate a consistent pattern of reasonable care and competence, and shall apply the technical knowledge and skill which is ordinarily applied by architects of good standing practicing in the same locality.

*Commentary: By requiring a “consistent pattern” of adherence to the common law standard of competence, this rule allows for discipline of a Member who more than infre-*

*quently does not achieve that standard. Isolated instances of minor lapses would not provide the basis for discipline.*

*2004 Code of Ethics and Professional Conduct, Canon II, Obligations to the Public*

Rule 2.104 Members shall not engage in conduct involving fraud or wanton disregard of the rights of others.

*Commentary: This rule addresses serious misconduct whether or not related to a Member’s professional practice. When an alleged violation of this rule is based on a violation of a law, or of fraud, then its proof must be based on an independent finding of a violation of the law or a finding of fraud by a court of competent jurisdiction or an administrative or regulatory body.*

*2004 Code of Ethics and Professional Conduct, Canon IV, Obligations to the Profession*

Rule 4.103 Members speaking in their professional capacity shall not knowingly make false statements of material fact.

*Commentary: This rule applies to statements in all professional contexts, including applications for licensure and AIA membership.*



*2004 Code of Ethics and Professional Conduct,  
Canon V, Obligations to Colleagues*

Rule 5.301 Members shall recognize and respect the professional contributions of their employees, employers, professional colleagues, and business associates.

### **Findings of Fact**

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#### *The Parties*

The Complainant is an architect whose firm provided design services for an addition, built in 1995, to a Church in City, State.

The Respondent is an architect, licensed in the State since 1975, and an ICC Certified Building Plans Examiner since 2005. She was a member of the Church at the time the addition was completed until the Church's pastor required her to leave in 2000.

The Complainant and Respondent have both practiced in the same community for many years. Prior to the hearing in this case, however, they had no more than a total of ten minutes of direct contact.

#### *The Chronology*

**The Church Project (1995).** In 1994, the Complainant's firm was retained by the Church to design an addition and related work on the existing Church building. The Respondent started attending the Church later that year.

On November 12, 1995, the Respondent telephoned the Complainant regarding code violation concerns she had with the Church addition. The following day, the Complainant wrote a letter to the chair of the Church's building committee, responding to the four code compliance issues that had been raised and asserting that no violations existed.

The record does not show that the Respondent had any further contact with the Complainant until August 1998. In the meantime, the Respondent began drafting a complaint against the Complainant to be filed with the State Licensing Board.

In June 1998, the Respondent sent a draft of her State Licensing Board complaint against the Complainant to an alternative medicine addiction consultant in another state. In her letter to that consultant, the Respondent stated that she would like to pass on to the Complainant the "gift" from God that saved her life, perhaps by staging an "intervention" for him, stopping his "church commissions," and/or filing a complaint against him with the State, which would cause him to (falsely) believe he might lose his license and which would involve persuading the State that he is an "addict." The consultant wrote back to the Respondent to ascertain whether she was currently working with a 12-Step "sponsor" and whether an intervention for the Complainant would be a "sober" thing for the Respondent to do.

On August 18, 1998, the Complainant wrote to the Respondent offering a meeting should any of her code concerns remain. On August 27, the Respondent replied in writing to the Complainant saying that she was "considering your offer to meet to talk with me directly" and that the Complainant had a choice to either continue insisting he is correct or "join with" her in a "mutual learning process." The Respondent did not take the Complainant up on his offer to meet until the following year. Subsequently, however, the Respondent would consistently report to other persons that the Complainant had refused to meet with her.

In August 2000, the Respondent's membership in the Church ended when the pastor requested that she leave the Church.

**The Respondent's Complaint to the State Licensing Board (2001).** In February 2001, the Respondent filed her 68-page licensing com-



plaint, titled “A Report of Possible Service Mistakes Made by Architect [ ] of Concern to the State Licensing Board.” Many of the Respondent’s allegations against the Complainant individually are stated in hypothetical terms, a method she consciously used in order to avoid making statements that would constitute “slander,” as she understood that type of legal claim.

In her licensing complaint, however, she set a different standard for determining whether the Complainant was “dishonest”:

Dishonesty, it seems to me, includes not only knowingly giving false information, but also includes the omission of some factual information that most people consider relevant, and includes fabricating hypotheses without evidence and presenting them as true or likely to be true.

In her licensing complaint, the Respondent alleged that the Complainant:

- “cuts corners” to win awards;
- “hides problems” from clients;
- treats her concerns as invalid as an act of “shaming” her;
- inadequately prepares construction documents;
- inadequately consults with code officials;
- is “reckless” or “grossly incompetent”;
- tells “lies”;
- is “dishonest”;
- conceals “code violations” from clients;
- has an “addiction” to work, design awards, status, or money;
- does not build cheaply enough;
- deliberately shorts consultant fees in order to fund “aesthetics”;
- “bribes” contractors to keep quiet on code violations; and
- misrepresents his skills to potential clients.

In her licensing complaint, the Respondent also stated (in contradiction to the written record)

that the Complainant refused to meet with her, then a few pages later stated that when the Complainant offered to meet her she wasn’t ready “because of my emotional reactions.” She stated that she sees a “pattern of mistakes” in the Complainant’s work that is “more extensive and serious than any [she has] seen or heard about in any other firm’s work.” She tied the Complainant’s alleged misrepresentations to:

- the Church’s resistance to her concerns,
- the Church’s requirement that she leave the congregation,
- her own “broken relationships,”
- her own “depression,” and
- her own “months in counseling.”

She concluded: “It is my architectural opinion that his professional behavior is very sick.” She went on to recommend many ways to strengthen the Complainant’s skills, including professional counseling and taking a “partner whose interest and skills are stronger in the ‘nuts and bolts.’” Noting that “our skills are quite complementary,” she offered a “few hours a week of my time for a few months to advise him on any technical expertise he needs—at no cost to him.”

On May 26, 2001, the Complainant submitted his response to the State Licensing Board complaint, denying all allegations and noting that the Respondent had been filing complaints with the Church’s regional offices against the Church’s pastor, who had asked her to leave the Church. The Complainant also retained an attorney to represent him in the licensing complaint process.

In January 2002, the Church’s bishop wrote a “letter of support” to the Complainant’s attorney in connection with the Respondent’s licensing complaint. Regarding the Respondent and the complaint she had filed, the bishop stated:

I am well acquainted with the individual who lodged this serious complaint against [Complainant]. I know her well, and I can attest to you without reservation that the complaints are totally un-



founded, without merit and, in my opinion, offered to you for no reason other than to cause [Complainant] personally and his firm in general great distress and discomfort. I have had three conversations with her about this matter plus abundant correspondence. Her pastor, likewise, has had serious conversations with her on this matter. We are convinced beyond any doubt that her complaints are unfounded and her motives, in our opinion, much less than honorable.

In early 2002, the State Licensing Board concluded its investigation of the Respondent's complaint and determined only that the Complainant had failed to seal various documents as required by State regulations; the board did not cite the Complainant for any of the matters raised by the Respondent in her complaint.

While her licensing complaint was still pending, however, the Respondent:

- sent the State Licensing Board an eight-page letter dated June 3, 2001 as a second follow-up to her complaint alleging that the Complainant's desire not to participate in her investigation is "deceptive" and noting that she sees her complaint as potentially "a landmark case" in a climate where "architects who care the most about aesthetics are looking for every possible way around increasing code restrictions"
- sent the State Licensing Board a 10-page letter dated October 22, 2001 as a third follow-up to her complaint alleging that the Complainant "has a serious reading difficulty; perhaps it's dyslexia, or some strong aversion to reading"; that the Complainant's standard of care is inadequate because he "may say that he prefers to do materials research only after the project is under construction"; and that he "categorically refused to dialogue" with her.

**The Respondent's Further Efforts Through Her Former Church (2002-2003).** In August 2002, the Respondent wrote a 21-page open letter, addressed "Dear Friends," that recounted "the story of my conflict with [Complainant]." She sent the letter to a Church warden and, on October 20, 2002, also mailed a copy to the chair of the Church building committee. In the letter, the Respondent, among other things:

- suggested that the Church require "prayer and dialogue between [Complainant and herself], over a period of time";
- stated she was "very careful" so that her "words would not meet the test for slander";
- stated that in the spring of 2000 she "suddenly received a vision of God's plan that He will use resources like architecture";
- stated that in the fall of 2000 "it soon became clear that what I was being called to do was to live the story of Judas; *i.e.*, to take a dispute in the church which it could not resolve to the state";
- stated that the "goal was never to take [Complainant's] license; it was to stop his denial about the importance of his wrong choices";
- reiterated that the Church should "require the two people in conflict to talk directly with each other, and leave the others not directly involved out of it";
- stated that what the Complainant "fears is that he has a serious reading or learning difficulty, has learned to compensate with outstanding interpersonal skills to hide it, and is afraid of being found out";
- stated that the Complainant's "changed behavior could lead to a much more productive and satisfying life, though perhaps not the famous and rich one I speculate he wants";



- compared herself to Jesus Christ in stories about how he suffered “stigmata” and other pain related to the Crucifixion;
- stated that she has “completely forgiven” the Complainant;
- wondered if she and the Complainant “could end up as close friends instead of combatants”; and
- concluded by mentioning that she is a “recovering addict” and that her “gratitude” to God for her recovery is what compels her efforts regarding the Complainant.

On November 5, 2002, the Respondent sent another letter to the building committee chair and other Church personnel explaining why she was pursuing her agenda with the Complainant despite the Church’s asking her to stop. In her letter, she acknowledged that her efforts had been driving the Church’s pastor “crazy.”

On November 30, 2002, the Respondent wrote again to the building committee chair and others in the Church and included an attachment she had drafted entitled:

*Patterns of Dysfunctional Behavior I Have Seen/  
Heard in [Complainant’s] Professional Work:  
A Summary of My Behavioral Allegations vs.  
His Work*  
by [Respondent], Archt.

In that document, the Respondent accused the Complainant of:

- sacrificing the truth for “aesthetic” goals;
- lying instead of admitting “errors”;
- not taking responsibility for “construction design”;
- promulgating “unfair bidding processes”;
- evading “responsibility for code compliance”;
- “exaggerating his personal experience” and “credentials”; and
- suffering from “workaholic addiction.”

On December 10, 2002, the Respondent sent yet another letter to the building committee chair and others. In that letter, the Respondent:

- accused both the Church and the Complainant of being “cheaters” and asserted that the Church has gotten “more beauty than it deserves” by diverting money for construction quality to aesthetic ends;
- sought to “redeem” the Complainant’s “future behavior” via the embarrassment and cost that would result from “fixing the building”;
- cited a biblical passage where confession of a sin was insufficient and needed to be supplemented by the loss of the sinner’s first child and the telling of the sinner’s story throughout the kingdom.

On December 17, 2002, the Respondent wrote once more to the building committee chair and others “About [Complainant’s] work,” this time “withdrawing” her concern about the Complainant’s “windstorm design” of windows specified for the Church. She has since withdrawn at least five more of her original code compliance allegations regarding the Complainant’s Church project.

**The Respondent’s Further Efforts Through the State Licensing Board (2003).** On October 12, 2003, believing that the licensing board had made mistakes in its investigation of her complaint against the Complainant, the Respondent testified before the sunset committee of the State legislature regarding the State Licensing Board and submitted 15 pages of “background information” and written comments, along with other handouts. Although the Respondent stated that her primary issue was that the board “does not adequately protect the public,” she presented an extended discussion of the Complainant’s mistakes and the personal pain inflicted on her through her ongoing dispute with him and the Church. She blamed the Complainant for the



“social pressure and psychic pain” she felt from those persons he had “been speaking to.”

**The Respondent’s Complaint to the City (2004).** In April 2004, the Respondent submitted to the City a “formal complaint of building code violations” at the Church due to the Complainant’s work in 1995. The four-page letter was addressed to the City’s acting building official and the City’s fire protection specialist and copied to other City officials. The Respondent claimed that the Church members “are now convinced my concerns are valid and have hired ABC Architects to complete some of the repairs.” (Robert Able, of ABC Architects, testified at the hearing that his firm was not asked by the Church to remedy any of the Complainant’s work.)

In September 2004, the Respondent followed up on her April complaint to the City with a 44-page report to the City Building Code Appeal Board entitled: “Fire Protection Upgrades Needed for the Church.” The document began: “This report was prepared at the request of City staff.” This assertion appears to be blatantly untrue, as the former City building official denied at the hearing that he had ever encouraged the Respondent to undertake any code compliance work.

On September 23, 2004, the Respondent appeared before the Appeal Board to present her report. A member of the board transcribed his exchange with the Respondent during the meeting. He asked “about her motivation – Is it for your fellow Christians’ safety – Is this your Church?” The Respondent replied: “No – Not any more.” When asked “then what is your passion here?” the Respondent said: “It is to get it brought up to code to goad the Architect.”

**The Respondent’s Further Efforts Through the State Licensing Board, Her Former Church, and the City (2004-2006).** In 2004, the Respondent continued her efforts to have the licensing board reopen its investigation of the complaint she had filed in February 2001. On

June 20, 2004, she sent an eight-page letter to the licensing board’s attorney, in which the Respondent disputed the board’s statement that it “does not expect to reopen” the Complainant’s case. In her letter, the Respondent:

- once again stated her goal for the Complainant to repent, to “tell his church clients about his faults,” and to stop “trying to be perfect because [perfectionism] nearly destroyed me”;
- listed six architect “experts” who, she asserted, have confirmed her allegations against the Complainant;
- claimed that her own “reputation has been damaged” and that she “wants my self-respect and my identity back.”

In that letter, the Respondent also claimed that the six architects she listed are part of a “consensus of national experts” supporting her belief that she is “correct in substantially all” of her allegations. One of these six is the attorney who represented the Complainant in defending against the State Licensing Board complaint and who, in a September 2001 letter to the board, had asked in reference to the Respondent: “At what point in this process does the board decide that this woman has gone off the deep end?”

Another of the six architects listed has since died, and two have expressed the desire that the Respondent stop citing their names. No documentation of any collaboration by the Respondent with the remaining two appears in the record.

The Respondent also states in her June 20 letter that she will hold the licensing board’s attorney “responsible for the harm that occurs to future victims” of the Complainant’s allegedly unsafe buildings. And, in a turn toward the macabre, the Respondent notes that the “world always kills its prophets” and that she has “had to seriously consider whether, if [Complainant] is backed into a corner, will he choose to become violent



and possibly kill me?” In this letter to the State Licensing Board, the Respondent continues her accusation that the Complainant poses a threat to her life: “I have notified my friends and family to contact the authorities if I die by suspicious or criminal means.”

Throughout 2004 and 2005, the Respondent continued her efforts against the Complainant, which she variously referred to under the licensing board complaint number or as her “complaint re the Church” or her “building code ministry.”

- On November 12, 2004, the Respondent wrote to the Church’s bishop and others on the subject of her “building code ministry,” quoted a former president of the AIA to suggest that it may be acceptable to be “obnoxious” in pursuing a worthy cause, and represented various statements as those of the attorney who had represented the Complainant before the State Licensing Board.
- On November 16, 2004, that attorney was obliged to write to the bishop to explain that the Respondent “seems to be attempting to use statements of mine out of context to support some larger agenda and I would not wish my name to be associated with such an effort.”
- On December 5, 2004, the Respondent wrote to the attorney (with copies sent to the Complainant, the bishop, and six other individuals) to “apologize for quoting you without asking you first” but going on to correct the attorney’s overly simple description of “the situation.”
- On December 8, 2004, the attorney wrote to the Respondent to ask whether the long list of recipients of her correspondence indicates that she has a “collateral purpose” other than an intellectual discussion with him and suggests that “our communications should come to an end.”

- On February 22, 2005, one of the experts who had been cited by the Respondent wrote to her (with a copy to others including the Complainant):

I respectfully request that you not use my name without my permission, especially in a matter that some may interpret as an attempt to gain an advantage in a situation where disciplinary actions from a jurisdiction are anticipated, desired or imagined. As I recall, you reviewed your concerns with me in the past and because the written material you gave me was disjointed and confusing, I discouraged you from filing a claim. I sincerely hope you understand the gravity of your actions and that you will refrain from including me in whatever quest you choose.

- On February 25, 2005, the Respondent replied to that letter with an apology for using his name without permission but goes on to criticize the Complainant for substituting “city staff’s permission” for “reading and learning to interpret the code” himself, blaming contractors for incomplete designs, and believing codes are unenforceable and he cannot be “held accountable.”
- On May 16, 2005, the Respondent wrote to the bishop and others (including the Complainant) to report on a code academy she attended, mentioning that she and the City building official had “inspected” the Complainant’s 1995 Church project the day before, apologized for five code violation allegations she had made that she no longer deemed correct, but said the reason for her own erroneous allegations was that the Complainant failed to provide suitable as-built documents.

On September 23, 2005, the City building official wrote to the Church’s pastor to share a table



of alleged violations, apparently resulting from the Respondent's 2004 complaint, and to request that the architects (the Complainant's firm and ABC Architects for a later Church project) help resolve the issues.

On November 28, 2005, the Respondent wrote to the bishop and others (including the City building official and the Complainant) to report that the City building official had met with the two architecture firms who agreed to revisit the code issues in the coming months and concluding that: "Since I am doing what City staff approve of and since I am doing it in ways that are as sin-free as I know how to do, it is time for you to give me back my opportunity to serve the church." In her letter, the Respondent complained that she was "excluded from the meeting" between the City and the architects but nevertheless reported what took place including quoting one of the architects as saying "Is this setting a precedent? Won't it make it harder to get building permits?"

On December 16, 2005, the City building official responded to the Respondent's November 28 letter with his own letter addressed to the Church. The official refuted the Respondent's claim that the City's staff approved of her actions. Specifically, he stated that "at no time have I encouraged her to take any actions separately and apart from my unilateral efforts on behalf of the City." The official also found it necessary to "clarify" five references that the Respondent had made with respect to him, his actions, or his statements.

On January 13, 2006, the Respondent addressed a letter directly to the Complainant, the Church's pastor, and others about the Complainant's "responsibility for mistakes constructed in the past," referring to the 1995 Church project. In the letter, the Respondent:

- claimed that the Complainant "will learn a great deal by fixing his own mistakes";

- noted that she "didn't see" the Complainant at a recent continuing education seminar;
- pointedly suggested that the Complainant "will also want to read section 11.3.5" of the building code regarding reliance on city authorization to decide whether a structure is safe;
- cited something the City building official had allegedly told her about what the Complainant's "position" is on code interpretation; and
- advised the Church, the Complainant, and the City building official on legal matters regarding State architectural licensing regulations, "restitution," "jurisdiction," and the "statute of repose."

On January 15, 2006, the Complainant sent a letter to the Church's pastor and the City building official denying the "position" the Respondent had attributed to him in her January 13 letter. On March 19, 2006, the Complainant responded by letter to the alleged code violations described in the City building official's September 23, 2005 letter. In his letter, he stated that this is "at least the third time since completion of this building that we have reviewed these plans in detail." He also stated that responding to the Respondent's "unending and unfounded attacks" is unproductive for the community as a whole and "has cost us many hundreds of wasted hours, many tens of thousands of dollars, and probably projects and clients as well."

**The Respondent's Code Compliance Research Project (2006-2007).** In the meantime, the Respondent had begun a new research project. As she described it before a meeting of the State Licensing Board: "I'm going to be doing a random sample audit of all the documents presented for building permits in the City over a one year period." Over the following year, the Respondent made requests for documents under the State open records act, includ-



ing documents relating to projects by the Complainant's firm.

In September 2007, she sent a report of her findings to the City and the State Licensing Board. In that report, which she submitted as evidence at the hearing in this ethics case, the Respondent:

- mentioned an expert by name (contrary to the expert's written February 22, 2005 request);
- although not mentioning the Complainant by name, described how he "has spent 12 years denying there was anything wrong with his work"; and
- identified by name those architectural firms who had designed projects that were "perfect" with respect to building codes.

In her February 15, 2006 letter to the State Attorney General regarding her open records requests for the Complainant's project documents, the Respondent stated that the Complainant has a "need for improvement" which he is trying valiantly to keep hidden." In that letter to the Attorney General, she goes on to describe her "very long conflicted relationship" with the Complainant, "ten years of dispute" with him, various "mistakes" by him, and that it had recently been "reported to me that he may be still denying responsibility for any errors."

With respect to the Attorney General "personally," the Respondent asserted in a February 18, 2006 letter:

If fire safety-building code violations are concealed because you decide not to release the documents, is it not theoretically possible that you personally might be found guilty of criminal negligence when someone is later injured or killed?

**The Respondent's Statements to the NEC (2006-2007).** The Complainant filed his com-

plaint with the National Ethics Council on September 12, 2006. The Respondent received the complaint in December 2006 and, before filing a formal response through her counsel in February 2007, sent four letters to the NEC.

- In her December 13, 2006 letter to the NEC, the Respondent first acknowledged the existence of a "10 year dispute," then asserted that the Church building "is dangerous" and stated her pre-existing intention to file an ethics complaint with the NEC against the Complainant "for violations of the Building Code in his design."
- In her December 27, 2006 letter to the NEC, the Respondent stated that there is "behavior" by the Complainant that she wants "to stop," that she considers the "building code complaint" she filed with the City in 2004 about his work not yet resolved, and that she is concerned about her "physical safety" from the Complainant's "anger or depression."
- In her January 8, 2007 letter to the NEC, the Respondent referred to the Complainant's attorney (contrary to the attorney's 2005 written request that his name not be used), stated her opinion of the Complainant's Myers-Briggs personality type, referred to the Complainant's spouse, admitted that she had done "entirely too much speculation" about the Complainant's motives, referred to "growing" the Complainant, stated that "we need some way to help him become emotionally calm," and stated that she has "scheduled another appointment with a psychologist" because she needs "more help relating to others."

#### *Summary of Findings*

The evidence presented in written documentation and oral testimony establishes the following facts. The Respondent has:



- stated her numerous longstanding personal and religious goals involving the Complainant;
  - used professional work activities to further her personal and religious goals involving the Complainant;
  - written of her intentions to frighten the Complainant with the (false) threat of losing his license, to thwart future commissions to the Complainant, and to embarrass him publicly;
  - stated her theory that building projects require trade-offs between technical and aesthetic excellence and asserted that the Complainant's work sacrifices the technical for the aesthetic while her own work does the opposite;
  - in widely distributed written documentation, attributed to the Complainant the following: the potential to murder her, mental illness, addiction, aversion to reading, dyslexia, workaholism, lying, dishonesty, bribery, cheating, diminished technical capacities, shaming, negligence, recklessness, gross incompetence, obsession with money, obsession with status, obsession with design awards, profligacy with building budgets, exaggeration of design skills, exaggeration of experience, exaggeration of credentials, shortchanging consultants, concealment of mistakes, particular Myers-Briggs personality types, being in denial about mistakes, fear of his own disabilities, fear of others discovering his disabilities, and leading a less-than-satisfying life;
  - never had proof for her accusations against the Complainant of a personal nature;
  - made written, personal threats to her (former) Church, to a State Licensing Board official, and to the State Attorney General;
  - admitted to carefully couching her accusations against the Complainant using interrogatory or hypothetical grammatical constructions as a means to attempt to avoid the technical definition of slander;
  - testified that she knowingly did not maintain professional standards of care and competence in criticism of the Complainant in her complaint to the State Licensing Board because she did not believe it necessary and because she believed the complaint to be privileged;
  - admitted, only at the hearing, that she no longer believes it was appropriate for her to disseminate allegations about the Complainant's personal problems in writing, and she admitted mistakes about her personal accusations against the Complainant and recanted all of them, but testified that she has not apologized in writing or otherwise for any of them;
  - adopted on many occasions a personal and unnecessarily confrontational approach, rather than a professional and collaborative one;
  - been characterized by her colleagues as: an emotional stalker, a character assassin, a witch-hunter, a name-dropper, a vigilante, a harasser, antagonistic, aggressive, belligerent, unstable, detached from reality, beyond reason, beyond logic, disrespectful, deliberately destructive, on a vendetta, and with less-than-honorable motives.
- As recently as her January 13, 2006 letter to her former Church (among other recipients), the Respondent conflates personal matters with code research. Along with code citations pertaining to building maintenance she:
- implies that the Complainant needs instruction and says he will learn from her recommendations;



- tells the Complainant that he may owe money to the Church for past misdeeds;
- states that the Complainant holds an erroneous opinion, which he has repeatedly said and written that he does not hold; and
- notes that the Complainant did not attend a recent continuing education seminar.

The Respondent pursued alleged code violations in the Complainant's work exclusively for nearly a decade. In May of 2004, the Respondent told one witness that she was broadening her pursuit to other projects, but broadened the scope only to other work by the Complainant. The Respondent testified that in 2005 she broadened her interest beyond the Complainant by sending letters offering her code advising services to architects throughout the City. The earliest written evidence of an interest beyond the Complainant appears in the Respondent's March 2005 letter referring to a project by another architect. This means that for at least ten years, the Respondent's interest in code infractions was focused on the work of one architect.

It is beyond the scope of the National Ethics Council's authority to determine whether any of the Respondent's allegations of code violations have merit. And the complaint in this case does not question the Respondent's technical competence in code analysis generally. For all that appears in the record, however, the Respondent's methods have failed to persuade a single owner, architect, or official of a single infraction in the Complainant's work.

On multiple occasions, the Respondent has asserted that she has the support of experts backing up her allegations against the Complainant. Not one written document submitted in evidence supports this assertion. Several written documents instead demonstrate the explicit lack of support for and renouncement of the Respondent's activities by some of the same experts she identified. In addition, the Respondent has admitted mistakes about several code-related accu-

sations she has made against the Complainant that she subsequently viewed as inaccurate.

There are inconsistencies or inaccuracies within the testimony and written evidence presented by the Respondent. There appear to be no inconsistencies or inaccuracies of any significance within the testimony and written evidence submitted by the Complainant including the testimony of his extremely credible witnesses. Both the Complainant and his witnesses testified to enormous costs they have suffered or have observed the profession to have suffered due to the Respondent's unnecessarily aggressive methods. Some witnesses asked for the expulsion of the Respondent from the AIA.

The Complainant himself testified that the Respondent has not demonstrated a consistent pattern of reasonable care and competence and has not exhibited the good judgment required to apply her technical knowledge. He testified that the Respondent wantonly disregarded his basic right to live free from deliberate harassment. He testified that the Respondent knowingly made false statements of material fact on hundreds of occasions over more than a decade. He testified that the Respondent does not respect—and in fact actively disrespects—the professional contributions of her colleagues.

## Conclusions

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### *Rule 1.101*

Rule 1.101 of the 2004 Code of Ethics states:

In practicing architecture, Members shall demonstrate a consistent pattern of reasonable care and competence, and shall apply the technical knowledge and skill which is ordinarily applied by architects of good standing practicing in the same locality.



The commentary to this rule states:

By requiring a “consistent pattern” of adherence to the common law standard of competence, this rule allows for discipline of a Member who more than infrequently does not achieve that standard. Isolated instances of minor lapses would not provide the basis for discipline.

The Complainant argues that the Respondent is unable to understand or appreciate the interests of others, which is required in order to exercise care and competence; that she is unaware of her professional limitations; and that she is unable to render prudent judgment due, in part, to being disconnected from reality.

Through her counsel, the Respondent erroneously argues that Rule 1.101 does not apply to her code compliance activities because they are not the “practice of architecture.” The Respondent herself testified that, at various times, she knowingly has not applied standards of professional care and competence. In the instance of her complaint to the State Licensing Board, she reasoned that her arguments against the Complainant constituted “privileged” information and so did not need to be up to professional standards.

In her licensing complaint (as well as in other documents), however, she made her arguments under the aegis of being a professional architect, referring to herself as “Architect,” and stating that her statements about the Complainant were her “professional opinions.” It is clear that the Respondent herself believes that her many efforts that are set out at great length in the record of this case are part of her professional work and her practice of architecture.

The Respondent has misapplied her technical knowledge to personal and religious agendas. She has conflated or commingled private, personal efforts with her public, professional efforts in her practice of architecture for more than ten years. The Council believes that the complaint’s description of her conduct as “emotional stalk-

ing” is accurate. This behavior, which has followed a consistent pattern, is evidenced throughout the record of this case—not least by the fact that her professional interest in local code violations involved the Complainant’s work alone for at least ten years. Whether this was intentional or inadvertent, it does not qualify as reasonable care and competence in the practice of architecture.

In the Respondent’s “Third” informal response to this ethics complaint, she reasserts her interest in matters private and personal to the Complainant stating:

When I look at his comments in the complaint, what I see are great emotion and very, very little comprehension. “People learn best only when they are calm, not high on emotion.” So we need some way to help him become emotionally calm.

This and other numerous documented comments are evidence that the Respondent may be simply unaware of any boundary between the personal and the professional. That boundary, even if she is not aware of it, should not be crossed as it constitutes the very essence of professionalism.

The National Ethics Council concludes that the Respondent has violated Rule 1.101 by repeatedly failing to use reasonable care and competence in what she has said and written in her professional capacity as an architect about the Complainant and his work. This conclusion is not based on any determination about building code compliance or interpretation.

*Rule 2.104*

Rule 2.104 of the Code of Ethics states:

Members shall not engage in conduct involving fraud or wanton disregard of the rights of others.



The commentary to this rule states:

This rule addresses serious misconduct whether or not related to a Member's professional practice. When an alleged violation of this rule is based on a violation of a law, or of fraud, then its proof must be based on an independent finding of a violation of the law or a finding of fraud by a court of competent jurisdiction or an administrative or regulatory body.

The Complainant argues that the Respondent has disregarded his right to privacy and his right to freedom from harassment, emotional stalking, intimidation, and character assassination. The Council finds that the Respondent's conduct has been in wanton disregard of the Complainant's rights.

The terms "wanton," "reckless," and "willful" are often used to refer to an aggravated level of negligence that borders on intent. The NEC has stated that "wanton disregard" of rights under Rule 2.104 means "action taken in disregard of a high degree of danger" that someone else would be adversely affected and that is "apparent or would be apparent to a reasonable person." (*See NEC Decision 2005-09; NEC Decision 2005-15.*)

The Respondent has expressed in writing her desire to do harm to the Complainant by embarrassing him, frightening him about the status of his license, and thwarting his commissions. In her closing statement for the hearing of this ethics case, the Respondent admitted that people around her asked her to stop her criticisms of the Complainant but that she refused. Although she often has couched her plans as part of her larger hope to "help" him, her conduct is wanton in the sense that it is clearly willful and part of her intended course of action.

The Respondent has testified that she made her personal criticisms of the Complainant without any proof and with virtually no access to or

knowledge of his professional practice or personal life. Her conduct here is also wanton in the sense that it is clearly reckless.

The National Ethics Council concludes that the Respondent has violated Rule 2.104 by relentlessly pursuing a personal agenda against the Complainant in wanton disregard of his rights without any documented or detectable concern for its harmful and real effects on him.

#### *Rule 4.103*

Rule 4.103 of the Code of Ethics states:

Members speaking in their professional capacity shall not knowingly make false statements of material fact.

The commentary to this rule states:

This rule applies to statements in all professional contexts, including applications for licensure and AIA membership.

The Complainant argues that the Respondent has knowingly written hundreds of pages containing false statements and has admitted to deliberately couching them in the hypothetical to avoid charges of slander (which can only be invoked when harmful statements can be proven untruthful). (*See, for example, the list of statements on page 3 above.*) He argues, and the Council agrees, that these false statements were material to his reputation and his well-being. The Respondent herself testified that she made these statements without having proof and has since recanted some of them.

The National Ethics Council concludes that the Respondent has violated Rule 4.103 by holding herself out as an architect while making and distributing false statements regarding the Complainant that are material to his reputation and well-being.



*Rule 5.301*

Rule 5.301 of the Code of Ethics states:

Members shall recognize and respect the professional contributions of their employees, employers, professional colleagues, and business associates.

The Code of Ethics does not include any commentary on Rule 5.301.

The Complainant argues that the Respondent has, without basis, attacked the integrity, professionalism, and personal character of himself and other individuals in the City who are her colleagues, has shown a lack of respect for the collective contribution of her architectural colleagues by attacking the institutions of the profession and evidenced a disdain for the very profession by which she gains her own credibility.

Through her counsel, the Respondent argues that Rule 5.301 should apply only where a Member has failed to give appropriate credit to others for their work on projects. The Council believes that interpretation of the rule is too narrow. Nothing in the text of Rule 5.301 requires that its application be limited to the issue of credit for projects or other types of work. The Council believes that Rule 5.301 prohibits a Member from demeaning a colleague's professional accomplishments in the circumstances presented in this case.

The Council finds that the Respondent has repeatedly and publicly demeaned the aesthetic accomplishments of the Complainant and others as though they were violations of, rather than contributions to, the discipline of architecture.

The National Ethics Council concludes that the Respondent has violated Rule 5.301 by failing to respect the Complainant's professional contributions, arguing instead in public forums that his considerable professional accolades are meaningless and ill-gotten, sometimes criminally so.

*The Right to Raise Issues Relating to the Public Interest*

The National Ethics Council, which speaks for the AIA, has been cautious not to take action that would affect the raising of valid concerns to governmental authorities, owners, or other professionals, including issues of compliance with building codes and professional licensing standards.

The conclusions in this ethics case are not based on the fact that the Respondent notified various parties, including the Church, the State Licensing Board, and the City, that she believed that one or more of the Complainant's projects contained building code violations. Nor do these conclusions "condemn architects who say anything unpleasantly critical about code compliance," as the Respondent argued in her closing statement at the hearing. The Respondent's analyses of building code issues and the complaints she made to the State Licensing Board and the City were only part of her larger effort directed at the Complainant personally. The complaint and the Complainant's evidence are almost entirely about the Respondent's unfounded personal attacks on him. Neither the Respondent nor her counsel has responded to the content of the Complainant's opening or closing statements at the hearing or to those portions of the complaint and evidence that document the groundless and inappropriately personal nature of her efforts.

Despite this record, the Respondent's counsel argued in his closing remarks at the hearing that the Complainant and his witnesses have focused on the Respondent's technical work. In fact, only the Respondent's defense focused on her challenges in getting the Church and government to accept her opinions about code issues and on the contents and methodology of her 2007 research report. The Respondent not only failed to respond to the allegations that she had made personal attacks but could recall no evidence for the personal attacks she had made against the Complainant, even when directly pressed on this issue at the hearing.



The Respondent has also noted that her statements to the State Licensing Board and other government entities are “privileged.” What this means, in general terms, is that she may not be subject to civil liability for slander or other defamation claims regardless of what she has communicated to a government agency in connection with her complaints regarding the Complainant. Such a “privilege” does not, however, prevent the NEC from taking action based on such communications or conduct that is found to violate Rules of Conduct in the AIA’s Code of Ethics.

#### *The Timing of the Complaint*

The Respondent has argued that various of the Complainant’s allegations or evidence relate to events more than one year prior to the filing of the Complaint and that no violation should be found due to the one-year limitation in Section 3.1 of the NEC’s Rules of Procedure. The relevant part of Section 3.1 provides:

A Complaint must be filed within one year of the alleged violation unless good cause for delay is shown.

The Council finds that, within one year before the date the complaint was filed and extending beyond that date, the Respondent carried out a continuing pattern of ethical misconduct.

For example, less than a year before the complaint was filed in September 2006, she sent a letter dated January 16, 2006 to the Church that refers to the Complainant’s alleged “past misdeeds” and asserts that his firm “will learn a great deal by fixing its own mistakes.” The following month, on February 15, 2006, she wrote to the State Attorney General that the Complainant has a “‘need for improvement’ which he is trying valiantly to keep hidden.”

Her improper conduct against the Complainant continued without any significant interruption from 1995 through the date of the complaint. Her activities against him constitute a campaign

that is the basis for each of the violations. That campaign continued well beyond September 2005 (one year before the complaint was filed) and has, in fact, continued into the complaint process itself. As a result, the Council concludes that the complaint should not be dismissed on the grounds that it was filed too late.

#### **Penalty**

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In a society where building code reform, education, and enforcement is so clearly needed, it is a shame that someone as qualified, interested, and passionate about this cause could undermine her own efforts so profoundly as to be renounced in the very communities she is striving to help. The Respondent should be encouraged in her service of this cause but should strive to find more productive approaches. There are many ways to help, but none of her current techniques appear to be among them.

If there were an action available to the NEC that could encourage the Respondent to align her approach to this cause with the ethical values espoused by the AIA, that action could and should be applied in this case. No such option exists, however, that would ensure that she will truly change her conduct. Therefore, having found that the Respondent violated all four of the referenced Rules of Conduct of the Code of Ethics, the National Ethics Council imposes the penalty of termination of membership.

*[The NEC’s decision was considered as an appeal by the Institute’s Executive Committee and Board, as provided in Chapter 7 of the Rules of Procedure. The Executive Committee and Board approved the NEC’s decision and the penalty imposed.]*

Members of the National Ethics Council

Janet Donelson, FAIA  
A.J. Gersich, AIA  
Michael L. Prifti, FAIA  
Kathryn T. Prigmore, FAIA



THE AMERICAN  
INSTITUTE  
OF ARCHITECTS

Code of Ethics and  
Professional Conduct  
DECISION 2006-15

*The Hearing Officer, Victoria Beach, AIA, did not participate in the decision of this case, as provided in the Rules of Procedure. Bill D. Smith, FAIA, Chair of the Council, and Melinda Pearson, FAIA, a member of the Council, also did not participate in the decision.*

**October 4, 2009**

\*The Complainant claims that the Respondent violated the referenced rules continually from 1995 through the date of the complaint and beyond; hence the 1993, 1997, and 2004 editions of the Code may apply to different aspects of the case. Rule 4.103 was adopted in its current form in the 1997 edition. The rule's predecessor in the 1993 edition was Rule 4.102, which stated:

Members shall not knowingly make false statements or knowingly fail to disclose a material fact requested in connection with their application for registration or their application for AIA membership.

Rule 5.301 appeared in the 1993 and 1997 editions of the Code as Rule 5.201. The Code was amended again in December 2007, but none of the referenced rules was amended at that time.