



Misrepresentation of Qualifications

Summary

The facts of this case, as found by the hearing officer and supported by the evidence, establish a violation of Rule 4.201 by an Associate Member who falsely represented to his employer and others that he was a registered, graduate architect, NCARB certificate holder and a full AIA Member. The penalty imposed by the National Judicial Council, subject to review and concurrence by the Board of Directors, is termination of membership.

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

Reference

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

R. 4.201 Members shall not make misleading, deceptive or false statements or claims about their professional qualifications, experience or performance.

Facts

Associate Member AM (not the Member's real initials) applied for employment with a Member firm in July 1986. He submitted a resume that falsely claimed an architectural degree, registration with NCARB, and full Membership in the American Institute of Architects. The resume also claimed experience over the course of sixteen years in various positions as "Architect," "Architect in Charge," "Assistant Project Architect," "Project Manager and Architect," and "University Architect." The firm believed AM to be a registered graduate architect and AIA Mem-

ber, and on that basis hired him as a senior project architect. The resume became part of his permanent personnel record.

In December 1986, AM completed a personal biographical form for the firm's marketing department on which he again claimed an architectural degree, active professional registration, AIA membership and NCARB certification. All of these claims were false. The biographical information was requested by the firm for use in preparing statements of qualifications in proposals to be submitted to prospective clients, and this fact was expressly communicated to those who were asked to complete the form. The inaccurate information supplied by AM was included by the firm in at least one proposal that was considered by a prospective client after January 1, 1987.

On several occasions in January and February 1987, AM sent out letters over his signature using the title "Senior Project Architect" and including the initials AIA as a suffix to his name. In at least one such letter he referred to himself in the text of the letter as an "Architect."

The firm did not discover until the end of February 1987, that AM did not hold the qualifications to which he pretended. When confronted with evidence that he had no degree from a school of architecture and was neither a registered architect nor an AIA Member, AM insisted that he held these credentials and could prove it. When he failed to do so within a week, the firm discharged him and commenced this proceeding under the Code of Ethics and Professional Conduct.

Discussion

The Council's authority to dispose of the charged



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of unethical conduct in this case is provided by the Bylaws of the Institute, Article XIV, section 2. The penalty of termination of membership, subject to review and concurrence by the Board of Directors, is among the penalties the Council may impose.

The Respondent Associate Member admits some of the facts comprising the charge against him and denies others. AM agrees that he is not now and never has been a registered architect, does not have an architectural degree, is not NCARB certified and is not a full AIA Member. He denies that he ever misrepresented his qualifications to his employer or anyone else. While he submitted a resume and completed a biographical form in 1986, he now states that those documents have been altered by his former employer to add credentials that AM did not at the time claim to have. In addition, AM asserts that he informed his employer at the time he was offered a job that he was not a graduate registered architect and was only as associate AIA Member. Finally, he concedes that he sent out letters, but says that he only used the title the firm had given him, without intending to present himself as an architect.

We are satisfied that the evidence presented to the hearing officer adequately supports his conclusion that AM affirmatively misrepresented his qualifications. The resume and the biographical form both plainly display a professional pedigree that AM admits he doesn't have. The copies shown to us and to the hearing officer bear no sign of having been altered. AM presented no evidence to support his assertion that they had been changed. We see no basis to reject the hearing officer's conclusion that the documents are authentic and present false professional qualifications.

We also find no reason to reject the conclusion that AM never told his employer what his true qualifications were. AM has asserted that before he was hired he gave the firm documents showing his partial but incomplete progress toward a degree and registration. The argument that the

firm knew all along the AM was not what he

appeared to b simply doesn't square with the evidence of the firm's conduct and practices. AM alleges a conspiracy by his employer and others to knowingly misrepresent him to clients, and then cover up their involvement, but the facts simply do not support such a scenario. The hearing officer's decision to reject these arguments by the Respondent was not arbitrary and is consistent with the evidence.

In our view, AM's admitted use of the title "Senior project Architect" and the AIA initials on personal and professional correspondence in January and February 1987 is, in and of itself, a violation of Rule 4.201. The matter is more serious than that, however.

Although the false resume and biographical form were prepared in 1986 when the Code of Ethics was not in effect, they remained in the firm's active files after that date and were never withdrawn or amended by AM. AM violated the Code when he allowed his employer in the period of January and February 1987 to continue to rely on false statements that he had made previous to that period. His conduct displays an intent to deceive. AM knew his employer was relying on his misrepresentations in its dealing with clients and prospective clients. his failure to "come clean" about his professional status at any time after January 1, 1987, effectively tainted the entire firm with is unethical conduct. This, in our view, makes the violation serious enough to deserve a penalty more severe than might otherwise have been warranted.

To ensure that the basis for our decision is clear, we emphasize that we looked at the events before January 1, 1987, when the Code was not in effect, only as background. It is AM's conduct after that date that violates the Code.

The hearing officer recommended a penalty of termination of membership. We agree that this penalty is justified. The qualities of honesty and fidelity to a relationship of trust are essential attributes of a professional. In this case the

misrepresentations concerned AM's right to call



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himself a professional architect. This is not a trivial matter and potentially affects the public health, safety and welfare. Most states regard falsely claiming to be a licensed architect to be so seriously wrong that it warrants criminal punishment.

The facts here demonstrate a knowing and continuous course of conduct founded in deception. These were not mere oversights or misunderstandings. AM intended his employer and others to believe that he was an architect and AIA Member and for them to rely on those assertions. This conduct reflects a complete disregard for fundamental values of the profession. We think it deserves the most severe penalty we can impose.

Conclusion

The Associate Member violated Rule 4.201 by misrepresenting to his employer and others that he was a graduate registered architect, AIA Member and NCARB certificate holder. His false representations to his employer were a continuing violation due to his failure, after the Code of Ethics took effect, to withdraw or correct false statement previously made on which his employer continued to rely. He also portray himself as an architect and AIA Member after the Code became effective.

The Council imposes a penalty of termination of membership.

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The hearing officer, Kirk Miller, AIA, did not participate in the decision of this case, as provided in the Rules of Procedures. Peter Forbes, FAIA, a member of the Council, also did not

participate.

October 8, 1987