



## ***Making Misleading, Deceptive, or False Statements About the Professional Qualifications and Experience of the Employees of a Firm.***

### **Summary**

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The Council found that Architect A violated R. 4.201 by including misleading, deceptive, and false statements about the size and composition of his firm, and the professional qualifications and experience of the employees of the firm. The penalty imposed is Censure. Censure is a public reprimand, in which the member's name is published in **MEMO**, along with a synopsis of the decision of the Council. A record of the Censure is also placed in the architect's AIA membership file along with decision of the Council. The facts of the case, as well as the Censure of the member, become matters of public record.

### **Reference**

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*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**

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Architect A's firm was competing for a rather specialized commission, which it received. Architect A presented a brochure to the selection committee in which his firm was described as having two principals, and a staff of ten professionals all of whom had professional degrees in architecture and/or experience in the

type of project being discussed. One of the resumes included in the brochure was that of Mr. X, a graduate of an accredited architecture school, who had a considerable amount of experience in the type of project being sought. He was not a registered architect. In fact, Mr. X was not an employee and had never been an employee of Architect A's firm. He had never met Architect A or anyone else in his firm. He had sent a resume to Architect A's firm when he was looking for a job, but had never been contacted in any way by that firm. The person in Architect A's firm, who claimed to be responsible for putting together the brochure, described an absolutely incredible scenario, the result of which was the inclusion of Mr. X's resume in the firm brochure, with his status elevated to that of a registered architect.

Other evidence showed that the firm had never had ten employees. Architect A had an oral, and very loose, arrangement with another design firm in his building that would let him use employees from that design firm, if they were not busy on other projects. If the owner of the second firm needed his employees, they would immediately be pulled off any projects on which they were working for Architect A. By including these employees of the other design firm, Architect A artificially and falsely inflated the size of his firm to ten employees. After excluding Mr. X, Architect A's firm had only three employees. One of those employees had a degree in architectural history. Two had degrees in Interior Design. Architect A and the other principal in the firm (who was not an AIA member) were the only registered architects in the firm. Their employees did not have professional degrees in architecture.



# THE AMERICAN INSTITUTE OF ARCHITECTS

*Code of Ethics and  
Professional Conduct  
DECISION 90-12*

## **Discussion**

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The testimony at the hearing was that preparation of the firm brochure was the responsibility of the other principal in the firm, who was not an AIA member, and therefore, not subject to the AIA Code of Ethics and Professional Conduct. Both principals participated in the presentation made to the potential client. Even assuming that Architect A had not reviewed the brochure prior to the presentation, he should have been aware then that the information contained in the brochure was not correct. Steps should have been taken then to convey correct information to the interview committee. This was not done, even after questions were raised and a second interview was held. Members are responsible for what goes on in their firms. Abdication of responsibility for actions that place the member in violation of the Code of Ethics is not possible.

The Council interprets R. 4.201 to include representations not only about an individual member's professional qualifications, experience, and performance, but that of a member's firm. Nothing said in the brochure about Architect A's professional qualifications, experience, and performance was misleading, deceptive, or false. But the picture painted of his firm had virtually no basis in reality. The Council found the misrepresentations in Architect A's brochure to be blatant and intentional. The inclusion of the resume of Mr. X, because of his special expertise, may have given Architect A's firm an edge over other competitors for the commission in question. The same can be said about the representations made about the size, composition, and qualifications of alleged employees of his firm. This type of competition based on false information is not professional and will not be tolerated.

## **Conclusion**

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For violating R. 4.201, the Council imposed the penalty of Censure. Architect A appealed that

decision to the AIA Executive Committee. The Executive Committee found that the facts supported the Council's finding that R. 4.201 had been violated, and that the sanction of Censure was appropriate. Architect A then resigned his AIA membership. His Censure was announced in the January 1993 issue of **MEMO**. A letter of Censure, along with the Council's decision, was placed in his membership file. The facts of the case, as well as the Censure, are matters of public record.

A. Notley Alford, FAIA, Chairman  
Glenn Allen Buff, FAIA  
James A. Clutts, FAIA  
Kenneth DeMay, FAIA  
Harry Harmon, FAIA  
Robert V. M. Harrison, FAIA  
L. Kirk Miller, AIA

*The hearing officer, Samuel A. Anderson III, FAIA, did not participate in the decision of this case, as provided in the Rules of Procedures.*

*June 22, 1992 - Decision by National Judicial Council  
October 18, 1992 - Appeal to AIA Executive Committee*