



## *Misleading Claim of Credit for Projects Done While at a Previous Firm*

### Summary

The Council finds a member in violation of Rules 4.107 and 5.201 for failing to indicate clearly on his firm resume that certain projects were done while the member was with another firm and failing to indicate the member's limited role in projects included in the resume.

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

### References

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

R. 4.107 Members shall accurately represent their qualifications and the scope and nature of their responsibilities in connection with work for which they are claiming credit.

*Commentary: This rule is meant to prevent members from claiming credit for work that they did not do, misleading others, and denying other participants in a project their proper share of credit.*

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

R. 5.201 *Members shall recognize and respect the professional contributions of their employees, employees, and business associates.*

### Facts

A member who is the principal of his own architecture firm submitted a qualification statement for architectural and engineering services on a project. The qualification statement included two lists containing 153 "Representative Projects". None of these projects is attributed to any of the proposed consultants on the proposal; all are presented as the work of the member or his firm.

For each listed project, the name, location and a brief description is provided. On some of the projects, an asterisk to a footnote at the bottom of the page indicates they were completed while the member was with another unidentified firm. For another 11 projects, the description indicates they were consulting engagements to other firms for limited services.

Nine years previous to the preparation of the qualifications statement, the member worked for eight months for another firm in the same region. He worked on some twenty projects at that firm, all of which are listed in the submittal and none of which is asterisked. There is no reference to that firm anywhere in the submittal. The member was not a licensed architect when he worked on these 20 projects. At the time, his job was specifications writer and production manager.

### Discussion

The member acknowledges that he is responsible for the qualifications statement and that the 20 projects in question were not done by his current firm. He explains the situation as an oversight caused by haste in preparing the submittal and the fact that the project lists were in the process of being revised to separate his firm's projects from those on which he personally had worked before starting his own firm.



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The Council does not find this explanation convincing. Haste in the preparation of a qualifications submittal is a common condition for our profession. It is not, however, an excuse for a pervasive failure to properly credit past work. The Council's past decisions make it plain that members have an affirmative obligation under Rule 5.201 to name the firm that was architect of record for a project if it is different from the member's current firm. In this case, none of the 20 projects was footnoted as "done while with another firm". Even if they had been, such a cursory statement would not have been enough. What was needed was a clear indication that each of these projects was the responsibility of a another architectural firm.

The member's qualification statement also fails to disclose that he was not an architect when he worked on the 20 projects in question. Our decisions establish that under Rule 4.107 a member must disclose--for each project for which any credit is claimed--when the scope of their participation was less than full design responsibility. Elsewhere in the submission the member did describe the limited scope of his firm's services on 10 other projects, which only serves to highlight his failure to do so in the lists of "Representative Projects".

This is a case where the reader of the proposal is plainly led to believe that a large number of projects listed are all the work of the firm making the proposal and that the firm performed full architectural services on those projects. This false impression is not diminished by the fact that the member's personal resume is included, which lists his dates and positions of employment with various firms. As a practical matter, a reader could not determine what firm the member was with at the time he worked on a particular project or what he did, and more importantly, a reader should not have to hunt through disparate sections of a large document to figure out that neither the member nor the member's firm was responsible for a project. This is not compliance with the Code. The duty to represent one's qualifications accurately and credit others

properly must be done in a manner calculated to communicate the facts clearly to the reader. Interspersing parts of the story in different sections of a thick proposal is not the kind of clear disclosure the Code requires.

## **Conclusion**

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For the reasons stated above, the Council finds the member in violation of Rules 4.107 and 5.201.

In determining a penalty, we have in mind that in the several cases involving violations of these Rules, the penalties have ranged from admonishment up to a one year suspension. The violation here is not a mere oversight or one-time mistake, since the lists of projects were clearly prepared for repetitive use in the firm's proposals.

The Council does not, however, see evidence of the kind of intentional disregard for the Rules that prompted the Council to impose suspension in the past. Censure therefore seems the appropriate sanction.

L. Kirk Miller, FAIA, Chair  
Samuel A. Anderson III, FAIA  
Melvin Brecher, FAIA  
Kenneth DeMay, FAIA  
D. Susan J. O'Brien, AIA  
Norma Merrick Sklarek, FAIA

*The hearing officer, Robert P. Madison, FAIA, did not participate in the decision of this case, as provided in the Rules of Procedure.*

**December 2, 1994**