



## ***Accurately Representing Professional Qualifications; Recognizing the Professional Contributions of Business Associates***

### **Summary**

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The Council finds that a member did not misrepresent his own role in a project or deny appropriate credit to his former firm.

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

### **References**

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*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, employers, and business associates.

### **Facts**

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While employed by the ABC firm, a member was the architect in charge of design on an award-winning project. He submitted the firm's entry for the award, and represented the firm at the owner's celebration recognizing all parties involved with the project. The member then left the firm and started his own practice. In a subsequent issue of his alumni magazine, an announcement appeared to the effect that: Member has started an architecture practice specializing in commercial, retail and residential design; a design magazine named him Designer of the Year for the design of the Project.

Some months later, the firm saw the alumni magazine and told the member that it was "offended" that its name was not included in the alumni magazine information. The member immediately wrote a letter to the firm apologizing for any misunderstanding. He also asked what information the firm wanted him to submit about its participation in the project to the alumni magazine. The firm responded by suggesting several wordings it thought should have been used, but did not request that he submit any correction to the magazine. The member took no further action, thinking the matter resolved.

Some months later, after no further communication between the parties, the firm filed an ethics complaint alleging that the member had failed to give and take appropriate professional credit for the project on which he worked while with the firm.



### **Discussion**

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The burden of proving facts that establish a violation of the Code falls on the person filing the complaint. The firm's evidence, which consisted of nothing more than a copy of the alumni newsletter, does not establish a violation. The mere publication of the sentence in question does not prove that the member is responsible for the form in which it was printed. The member does not deny that he provided information to the magazine in response to a request about "what was new with him". He spent very little time filling out the reply post card, and he did not remember how he had worded the information. He did not know how much editing had been done to the information he provided.

When the firm contacted the member about the incorrect information, he promptly attempted to resolve the problem, as he should have. The firm, however, did not ask for a correction. After receiving the ethics complaint, the member again contacted the firm, apologized and asked what information it wanted published. The firm refused to respond, choosing to proceed with its ethics complaint.

This is not the first time the Council has had to consider a case in which a newspaper or magazine has published information that apparently failed to credit a member of a design team or a firm for work done on a project. No one disagrees with the assertion that the firm is entitled to be credited with winning the design award. The firm, however, has not shown that the member acted to deny the firm the credit to which it was due. Indeed, the member offered to contact the magazine about publishing corrected information as soon as he was made aware of the inaccuracy, but the firm never provided the information it wanted published. Given the vagaries of dealing with the print media, and the lack of control one often has over what is finally printed, the Council is unwilling to conclude that the member failed to recognize and respect the

professional contributions of the firm. In these circumstances, the Council finds no violation of Rule 5.201.

Regarding Rule 4.107, the Council finds no

evidence to support a finding that the member misrepresented his qualifications as an architect, or the scope and nature of his responsibilities in connection with work on the project in question. The firm admitted that his contribution was substantial

### **Conclusion**

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The Council finds no violation of any Rules of Conduct in the AIA Code of Ethics and Professional Conduct. This case is dismissed.

L.Kirk Miller, FAIA, Chair  
Samuel A. Anderson III, FAIA  
Melvin Brecher, FAIA  
Robert P. Madison, FAIA  
Norma Merrick Sklarek, FAIA

*As provided in the Rules of Procedure of the National Ethics Council, the Hearing Officer, D. Susan J. O'Brien, AIA, did not participate in the decision of this case. Council member Kenneth De May, FAIA, also did not participate.*

**September 10, 1994**