



Failure to Identify Project Experience as Personal Experience of Employees While Employed by Other Firms

Summary

The Council finds a Member in violation of the Code of Ethics and Professional Conduct because a brochure listed projects done by staff architects without indicating that the projects were done before the architects joined the Member's firm. The Council's decision is based on a consent agreement between the Member and a state licensing board in which the Member admitted a violation of the board's regulations and agreed to the imposition of discipline.

All initials, names, dates, places and gender references 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.

R. 4.201 Members shall not make

misleading, deceptive, or false statements or claims about their professional qualifications, experience, or performance.

Facts

A Member who is a principal of a firm submitted proposals for several public projects that included photographs of projects and lists of project experience. Some of the photographs carried the statement: "Project experience of [employee] prior to joining [firm name]", but did not identify who employed the staff member when he or she worked on the project. The lists of project experience did not separately identify projects that were the experience of staff members prior to joining the Member's firm and did not state the role of employees on the projects.

A previous employer of one staff member complained to the Member and to the licensing board about the proposals. The Member apologized to the complaining firm and wrote letters to each prospective client that had received the proposals explaining the omitted information. The licensing Board conducted an investigation, which resulted in a charge that the Member had violated one of the board's rules of conduct, the text of which is nearly identical to Rule 4.107 of the AIA Code of Ethics.

In lieu of a hearing or trial on the charges, the Member entered into a Consent Agreement with the licensing board. In the Agreement, he admitted the facts stated here and admitted a



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violation of the board's rule. He accepted a public reprimand from the board and agreed that all future advertising, promotional and marketing materials of the firm would contain complete and accurate information concerning:

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- 1) the identity of the individuals responsible for performing work on each project;
- 2) the scope of professional responsibility actually exercised by such individuals on each project;
- 3) whether the individual was employed by the licensee at the time; and
- 4) with respect to any photographs of projects not done by the licensee's firm, identification of the firm that did the project and a statement that the photograph is used with permission.

Discussion

After entering into the Consent Agreement with the licensing board, the Member admitted that he was also in violation of Rules 4.107 and 4.201 of the AIA Code of Ethics and Professional Conduct. Based on the Consent Agreement and the Member's admissions, the Council imposes the penalty of censure for this violation. The Council does not agree with the Member that the conditions stated in the Consent Agreement are a sufficient penalty in and of themselves. Members have a duty to comply with the Code of Ethics independent of obligations imposed on them by state law, and the Institute can uphold the special obligation of members by separate penalties.

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