

In the most recent edition of Architect, the notification of the National Ethics Council decision in Case No. 2020-02 contained a mistake in which Gabriel Keller, Assoc. AIA was misidentified as 1) having had a complaint filed against him; and 2) having been the subject of an adverse finding by the State of Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design. In both instances, "Keller" should have read "Everson."

For clarification, the National Ethics Council ruled against Thomas Everson, who was suspended. Gabriel Keller filed the complaint against Thomas Everson and was not implicated in the case.

The corrected notice follows below.

Member Suspended for Violating AIA Code of Ethics

The AIA National Ethics Council has determined Thomas Everson, AIA ("Everson") violated Rules 2.101, 2.104, and 5.302 of the AIA's 2020 Code of Ethics and Professional Conduct ("Code of Ethics").

Rule 2.101 states:

Members shall not, in the conduct of their professional practice, knowingly violate the law.

Commentary The violation of any law, local, state or federal, occurring in the conduct of a Member's professional practice, is made the basis for discipline by this rule. This includes the federal Copyright Act, which prohibits copying architectural works without the permission of the copyright owner. Allegations of violations of this rule must be based on an independent finding of a violation of the law by a court of competent jurisdiction or an administrative or regulatory body

Rule 2.104 states:

Members shall not engage in conduct involving fraud.

Commentary: This rule addresses serious misconduct whether or not related to a Member's professional practice. Proof of fraud must be based on an independent finding of a violation of the law or a finding of fraud by a court of competent jurisdiction or an administrative or regulatory body.

Rule 5.302 states:

Members leaving a firm shall not, without the permission of their employer or partner, take designs, drawings, data, reports, notes, or other materials relating to the firm's work, whether or not performed by the Member

The individual who filed the complaint with the National Ethics Council against Everson ("Complainant") is a principal at the architecture firm ("Firm") in Minneapolis, MN, where Everson was formerly employed.

The National Ethics Council found the facts of the case established:

- Everson worked on various side projects while in the Firm’s employ, using Firm equipment, resources, and proprietary content during Firm work hours.
- Everson billed clients for such side projects and received compensation for such work.
- The State of Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design (“MN Board” issued a Stipulation and Order, dated May 19, 2019, 2021, in which they found Everson admitted to the following:
 - *“While with Employer, Respondent created a new business that was in direct competition with his Employer.”*
 - *“Working on a number of projects for his own personal gain (the “Side Projects”) without the Employer’s knowledge while employed at the Employer, including doing some of this work while in the Employer’s office during regular office hours.”*
 - *“Using the Employer’s equipment and software licenses for the Side Projects without the Employers knowledge.”*
 - *“Not disclosing the scope of his outside work and the use of the Employer’s resources for that work.”*
 - *“One of the Side Projects was originally an Employer prospect for a new home, which the Respondent diverted to himself,

Using other employees (who were being paid to work fulltime for the Employer) to perform work on the Side Projects without the Employer’s knowledge.

Respondent used information defined as confidential information in the confidentiality agreement he signed, including drawings, and proposals for the Side Projects.”*
- *The MN Board further found that Everson admitted his conduct

“[c]onstitute violations of Minn. Stat. § 326.111, subd. 4(a)(1), (2), and (3) (2020), Minn. R.1805.0200, subp. 1, 4(C), and (O), 1805.0300, subp. 1 and 2, and 1805.0900 (2011) . . . Specifically, it is alleged that the Respondent created a business in direct competition with his employer, while still being under the employ of that employer, and was soliciting work from his employer’s potential clients while using his employer’s intellectual property to complete projects for his personal clients.’*

The National Ethics Council imposed the penalty of suspension from AIA membership for a period of two (2) years.