

SOUND INVESTMENT

(Continued from Page 3) an open line of communications between national and the chapters, serve as a source of information between chapter leaders and ASLA program managers, and help develop and expand the chapter initiatives program.

These are all highly visible changes; they were designed to be that way. These are integral services that chapters and

members have come to expect from us and rely upon us for. I'm confident that you'll notice the changes and improvements. We're excited about them, and we hope that you are too.

A final word: communications is a two-way street. Please let us know how, when, and where we can help you, your chapter, and your practice. ASLA resources belong to you—when you begin taking advantage of them we're confident

that you'll find the return on your membership investment and/or chapter investment has compounded.

"From the evp" is a regular feature of LAND that presents the viewpoint of ASLA's executive vice president. Your comments are welcome. Please send them to LAND at 636 Eye Street, N.W., Washington, D.C. 20001-3736. You may fax them to (202) 898-1185 or e-mail them to bwelsh@asla.org.

ETHICS



Watcha Gonna Do?

Landscape Architecture Ethics

The Situation

Imade Abadjudgment, ASLA, is employed as a landscape architect by a federal agency. Currently, she is assigned as contracting officer's technical representative for a bike path that the agency is constructing along a former rail corridor. The landscape contractor for the bike path, Jane Lotsofjobs, approaches Abadjudgment and asks her to do freelance design for a large planned unit development that her contracting firm is building in a rapidly growing suburb not far from the bike path site. Implicit in this agreement is that Abadjudgment will receive monetary compensation for her plan. Abadjudgment accepts the offer, and begins drawing up site plans for the housing development.

Imust Turnherin, ASLA, the agency's contract manager on the project, finds out through another agency employee that Abadjudgment is working part-time for the contractor on the development at the same time she is overseeing construction of the bike trail. She subsequently calls Abadjudgment into her office and says, "Do you realize that this is a conflict of interest and that it reflects poorly both on you and on this office?" Abadjudgment takes offense at this reprimand and replies, "I am totally within my rights to work on this project as long as I work on it after hours."

Watcha Gonna Do?

Has Abadjudgment violated ASLA's Code and Guidelines for Professional Con-

duct by taking outside work from the very same contractor to whom she acts in an official capacity for the government? Or is she justified in working on the job as long as it is not done on the government's time and using the agency's resources? In what ways may she be putting herself in a bad position by working for Lotsofjobs? Will the Code support Turnherin who believes that there is a noticeable and substantial conflict of interest or will it vindicate Abadjudgment? Further, if there is a violation, is Turnherin obligated to report Abadjudgment by calling the matter to the attention of the Society?

Recommendation of the Ethics Committee

Abadjudgment was wrong to accept private sector work from Lotsofjobs while she is overseeing the conversion of the rail to trail project. The ASLA Code and Guidelines for Professional Conduct at R1.103 states that "Members in government service shall not accept private practice work with anyone doing business with their agency, or with whom the member has any government contact on matters involving applications for grants, contracts, or planning and zoning actions."

For her part, Turnherin is obligated to report Abadjudgment under R3.101 of the Code, which states "Members having information that leads to a reasonable belief that another member has committed a violation of this code, shall report such information."

By not seeking prior approval from her supervisor and agency, Abadjudgment also is in violation of federal statutory law that governs outside work by federal government employees. In this regard, 5 Code of Federal Regulations (CFR), Part 2635, Subpart F, "Negotiating for Non-Federal Employment, states, "You may not negotiate for future or outside employment with any outside party that you deal with in your official capacity, without prior approval from you supervisor," and 5 CFR, Part 2635, Subpart H, "Outside Work," states, "Outside work . . . must not prevent you from devoting your primary interests, talents, and energies to the accomplishment of your work for the Department, or create a conflict or apparent conflict between your private interests and official responsibilities." Subpart H further states, "Prior approval to engage in outside work is required by Department regulations for paid or unpaid work with a prohibited source"

Editor's Note: One of the objectives of the ASLA Ethics Committee is to educate members about the ASLA Code and Guidelines for Professional Conduct. The code contains important principles relating to duties to clients and to members of the Society. Readers are invited to send their comments on cases appearing in LAND to Managing Editor, 636 Eye Street, N.W., Washington, D.C. 20001-3736 or e-mail to bwelsh@asla.org. Members are invited to submit questions regarding ethical matters along with supporting data to the Allen Hixon, FASLA, Ethics Committee Chair, c/o ASLA 636 Eye Street, N.W., Washington, D.C. 20001-2357.