

Whatcha Gonna Do?

The Situation

Needza Buck, ASLA, had an exemplary career with the National Park Service (NPS). At NPS, he became a widely respected erosion control specialist and was published in *Landscape Architecture* magazine and other green industry trade journals. In these publications, Needza identified and analyzed new products available to the industry. As a result, he was soon consulting with area landscape architecture firms and recommending those products he believed performed the best and to the highest standards. For his consulting business, he used the company name Needza Buck, ASLA, Landscape Consultant.

NoEro, Inc., which manufactured one of the touted products, asked Needza to be part of its new national PR campaign. In light of this lucrative offer, Needza calculated he could retire comfortably if he accepted the deal. He agreed, and had his picture taken in a series of three photographs: on a steep, three-section slope showing erosion with no fabric; on the same slope with the newly installed fabric; and on the slope with mature growth over top of the fabric. The byline read “as specified on numerous National Park Service projects, by Needza Buck, ASLA, Landscape Consultant.”

Whatcha Gonna Do?

Is Needza properly using the designation, “ASLA,” in the name of his consulting business? Since he is an active, dues-paying member of the Society, Needza feels strongly that he should be allowed to use ASLA alongside his name in any professional activity. But would he still be able to use ASLA in his company name if he had staff who were not members of ASLA?

As a federal employee, what outside activities or work is Needza allowed to pursue? Is he permitted to teach, lecture,

or write? Can he get paid for outside work? Does he need to get prior permission before he can accept payment for his consulting services? Having second thoughts, Needza turned to the ASLA Ethics Committee for advice on all matters.

The Recommendation of the Ethics Committee

The ASLA Bylaws at Article 4, “Privileges of Members and Affiliates,” govern the use of all Society designations, including ASLA. The committee told Needza that he was using the ASLA designation properly. The Society encourages members to use the professional designation ASLA in all professional communications including on letterhead, business cards, signs, professional directories, articles, and especially during public appearances, panels, and speaking engagements. The committee noted that the ASLA Bylaws at Article 4, Section 405, states “[The ASLA designation] should not be used to indicate that a firm is a member of or has any standing in the Society.”

The committee observed that Needza may be in violation of federal law governing outside work and activities. The Code of Federal Regulations (5 CFR, Section 2635, Subpart H) prohibits federal employees from accepting compensation from outside sources for teaching, speaking, or writing that is related to official duties. Federal employees also are prohibited from endorsing, in an official capacity, the proprietary products or processes of manufacturers.

The committee suggested that Needza speak with his supervisor and an agency ethics official to see whether he might be allowed to endorse products and processes as long as he does not use his official title, does not make any reference to the agency, and includes a disclaimer stating that his private opinion does not



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reflect that of any government agency.

R1.102 of the ASLA Code and Guidelines for Professional Conduct states: “Members in the conduct of their professional practice, shall not violate the law, including any federal, state, or local laws, and particularly laws and regulations in the areas of antitrust, employment, environment, land use planning, and those governing professional practice.”

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 NW, Washington DC 20001-3736 or E-mail to bwelsh@asla.org. Members are invited to submit questions regarding ethical matters along with supporting data to Allen Hixon, FASLA, Ethics Committee Chair, c/o ASLA, 636 Eye Street NW, Washington DC 20001-3736.