

# Whatcha Gonna Do?

## The Situation

Atnoe Chargg, ASLA, believed that a parcel of undeveloped land deeded to the town as the open space contribution for a newly approved residential subdivision near his office in Incoor Pourated City should be transformed into a park with playground equipment and ballfields. His way of thinking was in keeping with Mayor Sockamom Votegetta, who was up for re-election that fall. Indeed, the mayor was outspoken about the beneficial aspects of open space for parks and recreation purposes. So Atnoe picked up the phone and called the mayor's office to share his idea with her staff.

The mayor and her staff were open to the idea, and they agreed to a meeting at which Atnoe showed a conceptual plan and offered to organize and lead a charette that would engage the community in the design process. For her part, the mayor also instructed the park commissioner to establish a fund not to exceed \$500,000 for site construction.

Everything was proceeding according to plan until Gel Oscompetitor, ASLA, sent a letter of complaint to the ASLA Ethics Committee charging Atnoe Chargg with unfair business practices.

## Whatcha Gonna Do?

In his letter to the Ethics Committee, Gel Oscompetitor accused Atnoe Chargg of trying to curry favor with the mayor and swing the election in her favor. His most relevant accusation, however, was that Atnoe Chargg was taking business away from practicing landscape architects.

With this in mind, was Atnoe Chargg, ASLA, crossing the lines of acceptable professional conduct by suggesting that a neighborhood park be constructed adjacent to his office? By giving his office time and talent to an elected official, was he violating Rule



1.103 of the ASLA Code and Guidelines for Professional Conduct? Was he attempting to enhance future contract award chances? Would that be a violation of the Code or just smart business?

## Recommendation of the Ethics Committee

The mayor was within her power to instruct the city's park department to build the park based on the landscape architects' design. The ASLA Ethics Committee decided that Atnoe Chargg had not violated the Society's Code and Guidelines for Professional Conduct because he had offered his services pro bono. However, he would have been in violation if he had tried to influence the city to award the contract to his firm. In a letter back to Gel Oscompetitor, the Ethics Committee noted that offering pro bono services is every landscape architect's prerogative.

Rule 1.103 of the ASLA Code and Guidelines for Professional Conduct states, "Members shall not give, lend, or

promise anything to any public official, or representative of a prospective client, in order to influence the judgment or actions in the letting of contract, of that official or representative of a prospective client. However, the provision of pro bono services will not violate this rule."

*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](mailto: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.*