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March 6, 2006

Ethics: Quid Pro Quo

Specifying a product based on a financial consideration violates the trust that is at the very heart of a professional relationship between the landscape architect and the client.



Illustration by Van L. Cox, FASLA

Andy M. represented a manufacturer that had just added a new product to its line of site amenities. Andy was sure the product would be very competitive and was anxious to get it onto a number of projects. His early efforts were very disappointing and he was facing pressure from the home office to produce. Mary J., the program chair of the ASLA chapter annual meeting, approached Andy and asked him to become a main sponsor of the meeting. Andy replied that he would consider sponsorship, which involved a substantial contribution, if Mary and other members of the chapter executive committee would specify his new product. Mary considered the offer. She thought it did not really seem to be a kickback because the chapter rather than a member would benefit. The profits of the meeting would go to a good cause, a fund for a lecture series at the local landscape architectural program. So the ethical question is:

Would it be ethical for executive committee members to specify the new product on their current projects in consideration of the meeting sponsorship?

There are many legitimate ways a vendor can support a chapter's program, but a kickback is a kickback regardless of the beneficiary. In this case, Andy's offer would be a kickback even though the beneficiary is a "good cause." Directing an

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incentive for using a product to one's favorite charity or organization or to another person does not change the nature of the incentive. In addition, specifying a product based on a financial consideration violates the trust that is at the very heart of a professional relationship between the landscape architect and the client and, in this case, puts the interests of the chapter above the interests of the client. Here are the relevant segments from the ASLA code of ethics:

Specifying a product based on a financial consideration violates the trust that is at the very heart of a professional relationship between the landscape architect and the client.

ES1.1 Members should understand and honestly obey laws governing their professional practice and business affairs and conduct their professional duties within the art and science of landscape architecture and the professional society with honesty, dignity, and integrity.

RI.102 Members shall not violate the law in the conduct of their professional practice, including any federal, state, or local laws and particularly laws and regulations in the areas of antitrust, employment, environmental and land-use planning, and those governing professional practice.

If Mary or other executive committee members were so foolish as to accept Andy's offer, they would be obligated to inform their client of their reason for introducing the new product on the project. Their actions might well result in complaints to the ethics committee and the state licensing board. Again, tenets from the code of ethics:

ES1.2 Members should seek to make full disclosure of relevant information to the clients, public, and other interested parties who rely on their advice and professional work product.

RI.203 Members shall make full disclosure to the client or employer of any financial or other interest that bears upon the service or project.

Mary informed the chapter executive committee of Andy's offer. After discussion within the executive committee, she declined Andy's offer and encouraged him to set up a booth at the annual meeting where he would have an opportunity to convince meeting participants of the merits of the new product.