


2009 GENERAL DESIGN HONOR AWARD

HtO, Toronto, Ontario, Canada

 Janet Rosenberg + Associates (JRA), Claude Cormier
Architectes Paysagistes, and Hariri Pontarini Architects

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July 7, 2009

Ethics: Misattribution

*This article does not represent a determination by the Ethics Committee of an actual case. One of the responsibilities of the Ethics Committee is to enhance member awareness about the **Code of Professional Ethics** and **Code of Environmental Ethics**, which contain important principles relating to members' duties to clients and to other members. While there may be additional licensing, legal, or legally actionable factors in these hypotheticals, the Ethics Committee's comments address only the implications with regard to the ASLA ethical codes; the discussions of these hypotheticals by the Ethics Committee do not constitute legal advice.*

While employed by A. Rodin Landscape Architects, C. Caudel designed a small meditation area with a bench and evergreen plantings for the grounds of a hospital. M. Y. Dossier, also of the firm, administered the project. Soon after completing the design, but before the construction of the project, C. Caudel left the A. Rodin firm. The evergreen supplier, who did the plantings, was impressed with the design and nominated



it for recognition in a trade magazine's annual award competition. The nomination cited A. Rodin's firm, but assumed M. Y. Dossier had been the designer. When the design was recognized by the competition, there was industry-wide publicity and a framed citation presented to A. Rodin, all of which named M. Y. Dossier as the designer. A. Rodin displayed the citation and occasionally used it in its marketing. When C. Caudel became aware of the award, she asked that the design attribution be corrected, but neither A. Rodin nor M. Y. Dossier notified the awarding association of the error.

Was M. Y. Dossier in violation of the ASLA Code of Professional Ethics? Was A. Rodin in violation of the ASLA Code of Professional Ethics?

Here are the relevant sections of the ASLA Code of Professional Ethics:

R1.101 Members shall deal with other members, clients, employers, employees, the public, and others involved in the business of the profession and the Society with honesty, dignity, and integrity in all actions and communications of any kind.

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R1.105 Members shall recognize the contributions of others engaged in the planning, design, and construction of the physical environment and shall give them appropriate recognition and due credit for professional work and shall not maliciously injure or attempt to injure the reputation, prospects, practice, or employment position of those persons so engaged. Credit shall be given to the design firm of record for the use of all project documents, plans, photographs, sketches, reports, or other work products developed while under the management of the design firm of record; use of others' work for any purpose shall accurately specify the role of the individual in the execution of the design firm of record's work.

R2.201 Members having information that leads to a reasonable belief that another member has committed a violation of the code shall report such information.

Both A. Rodin and M. Y. Dossier were passively dishonest about the misattribution of the design. While the design was done by an employee of A. Rodin Landscape Architects, and therefore a work made-for-hire belonging to A. Rodin Landscape Architects, it was not the design work of M. Y. Dossier. Because both A. Rodin and M. Y. Dossier knew the attribution to M. Y. Dossier was false, they were in violation of R1.101, particularly when they used the award in the firm's marketing materials. They both were in violation of R1.105 as well, the more specific code provision with regard to this case. Also, anyone else at the firm who knew of but did not report the misattribution was in violation of R2.201.

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