

Whatcha Gonna Do?

The Situation

The town of Cantaffordmore lay twenty miles due south of where Professor Enablem Younger, ASLA, taught landscape architecture at the state university. A resident himself of Cantaffordmore, the professor knew that the town was developing a multi-use park to include, among other features, a football field. The site was at the base of a modest slope, which the town's park and recreation committee envisioned as a natural seating embankment for spectators.

Enablem Younger appeared before Godit Forless, chairman of the park and recreation committee, assuring the committee that, if selected, his students would do the study and plans. The professor arranged for the university landscape architecture department to receive the funds, and, since he offered to seal the plans himself, the contract would be in his name.

Hoping to save taxpayer money, the committee readily agreed to let professor and students do the work. The professional community was stunned and amazed when the committee awarded the park project to the students.

The design was delivered and construction completed before the fall season. A few days after the opening game, the embankment gave way and slumped down onto the field. The committee and town were devastated. After consulting with Coulduv Donitright, ASLA, who bid for the project but was not selected, the committee learned that there was a defect in the drawings. Neither the professor nor the students specified the need for a gravel blanket that would allow the water to percolate into a subsurface storm drainage system.

To fix the problem, Cantaffordmore paid \$50,000 from its contingency fund to repair the damage and

construct adequate subsurface stormwater drainage

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What recourse did the parks and recreation committee have against Enablem Younger? Should the committee sue Enablem Younger? Should the committee accept the additional expense as a costly lesson and vow to hire only full-time practitioners in the future? Should the committee report the affair to the ASLA Ethics Committee?

Was Enablem Younger liable for the error? Did he tell the members of the parks and recreation committee beforehand that the students were not licensed practitioners and did not have liability or errors-and-omissions insurance? Further, did he inform the council beforehand that his and his students' class schedules made it impossible for them to monitor construction and resolve any construction problems before or after project completion?

The Recommendation of the Ethics Committee

In reviewing the case, the ASLA Ethics Committee noted that Enablem Younger did not make full disclosure regarding the qualifications of the students under



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his supervision. As a result, the Ethics Committee found him in violation of Rule 1.202 of the ASLA Code and Guidelines for Professional Conduct.

Rule 1.202 states, "Members shall make full disclosure during the solicitation and conduct of a project of the roles and professional status of all project team members and consultants, including their state licenses and professional degrees held, if any, availability of coverage of liability and errors-and-omissions insurance coverage; and any other material potential limitations."

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.