

Whatcha Gonna Do?

The Situation

Bess O'Bothwirlds, ASLA, has been hired as a field director with the Natural Resources Conservation Service. In this capacity, she will make decisions affecting her former employer, Rural Landscape Architects, Inc. (RLA).

Before leaving RLA, Bess accepted a "golden parachute" (i.e., compensation package from her former employer). RLA made the generous offer not only in recognition of Bess's accomplishments while a landscape architect employed by the firm but also in recognition of her new career with the federal government. Interestingly, the package contained a clause requiring Bess to return to work for RLA following her government service.

Before assuming her new duties, Bess's job application was reviewed by the personnel manager, Mitic U. Lus, who screened her application for possible conflicts of interest. Mitic U. Lus told Bess on the telephone that she must provide full disclosure of all the details—financial and otherwise—of the compensation package from RLA as a condition of her employment with the federal government.

Whatcha Gonna Do?

Bess had worked long and hard during her 15-year career at RLA. She felt she deserved the compensation package. At the same time, she viewed the opportunity to serve the public as a once in a lifetime opportunity.

After thinking it over for a few days before her interview with Mitic U. Lus, Bess decided that she would keep the compensation package. At her meeting with Mitic U. Lus, she politely told him that the details of the compensation package were none of his nor the government's business.

The Recommendation of the Ethics Committee

The ASLA Ethics Committee found Bess in violation of Rule R1.102 of the ASLA Code and Guidelines for Professional Conduct. R1.102 states "Members in the conduct of 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, and land use planning, and those governing professional practice."

Since Bess already had accepted the job with the federal government and did not turn down her compensation package from RLA she was in violation of federal law regarding dual compensation. The federal statute at 18 U.S.C. Section 209 prohibits federal employees from accepting money or anything of value from an outside source for doing or not doing his or her job properly. Mitic U. Lus told Bess that taking the compensation package might give the appearance that Bess was to remain under contract to RLA even though she had resigned. Therefore, Mitic told Bess not to make any advance plans to return to work for RLA until she retired from her new career in government service.

All bureaus and agencies in the federal government have agency ethics officials who can provide spoken and written advice on ethics matters. The Department of Interior has published an ethics manual. *Ethics-An Employee Guide* can be ordered by writing to Human Resources, Department of Interior, 1849 C Street, NW, Washington DC 20240.



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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.