

Whatcha Gonna Do?

The Situation

The Municipal Arts Commission approached S. TablISHED, owner and president of S. TablISHED Firm and Associates, to review grant applications that recently had been submitted to the commission for a variety of small projects, including the planning and design of landscapes for museums and parks.

While reviewing the applications, S. TablISHED was astonished to discover that a former employee of his—Overeager Newfirm, Landscape Architects—had taken credit on his application for six projects in which S. TablISHED was the landscape architect of record. Fresh out of landscape architecture school, Overeager had finalized working drawings based on original designs by and under the supervision of S. TablISHED Firm. In his list of project experience, Overeager did not give any credit to his former employer.

The next day, S. TablISHED called the Arts Commission and told its staff that Overeager was taking full credit for projects in which he only assisted the landscape architect of record. The commission agreed to look into the matter. When it contacted Overeager, he admitted that he only assisted on the projects in question. The commission reported his response to S. TablISHED.

As a result of Overeager's misrepresentation and apparent lack of qualifications, S. TablISHED recommended that Overeager not be awarded the grant. However, S. TablISHED felt constrained about taking the matter further because his information about Overeager came through the confidential process of grant evaluation, and because he believed Overeager to have learned a lesson.

A short time later, S. TablISHED found Overeager once again taking full claim for his work when the two firms competed on a federally funded transportation project.

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Overeager did not see anything wrong with listing these projects on the Arts Commission grant application or any other application. Since he lacked project experience, Overeager thought it imperative to list the projects to prove he was qualified for the grant.

The whole matter was causing problems for S. TablISHED firm, however. Because of the false claims, Overeager had become a serious competitor on projects totaling millions of dollars.

Was S. TablISHED remiss in not further addressing the ethical issues of Overeager's conduct when he first became aware of the misrepresentation? Can S. TablISHED use information about the first situation in any subsequent complaint?

S. TablISHED wrote a letter to the ASLA Ethics Committee reporting what he believed to be a serious infraction of the ASLA Code and Guidelines for Professional Conduct.

The Recommendation of the Ethics Committee

The ASLA Ethics Committee observed that the proper way for Overeager Newfirm to present his past design experience would have been to specify his level of responsibility on the project with full credit given to the design firm of record.

The committee therefore found Overeager Newfirm in violation of rules 1.105 and 1.108 of the ASLA Code and Guidelines of Professional Conduct. Rule 1.105 states, "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." Rule 1.105 further states, "Credit shall be given to the design firm of record for the use of all project documents; plans, photographs,



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sketches, reports, or other work products developed while under 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." Rule 1.108 states, "Members shall not take credit for work performed under the direction of a former employer beyond the limit of their personal involvement and shall give credit to the performing firm."

The committee further observed that S. TablISHED could file a complaint with the state registration board and bring civil charges against Overeager Newfirm.

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.