

## Partnership Lost

### Part Four: Stolen Client



Did Sellzum have all of the information when he complained to the ASLA Ethics Committee? One of the objectives of the Ethics Committee in conflict resolution is to collect facts on all sides of each issue and determine how each party can receive fair treatment.

When the partnership broke up, it was agreed that Designzit would keep the original office location and phone number, so it was expected that clients such as Deepaw Ketts would call that number. The information revealed that Sellzum had successfully managed projects for Deepaw Ketts and he

expected to continue that relationship with his new firm "Sellzum and Offen." He had every right to expect the referral from his former partner.

The evidence, however, indicated that when Deepaw Ketts was told that Sellzum had formed a new firm and what the new phone number was, he asked Designzit if she provided a full service for housing projects. She acknowledged that she did but that, ethically, she must refer him to the new firm. Mr. Deepaw Ketts responded that he appreciated that, but would like to come over that afternoon with the survey and see if they could not work out an agreement.

Once the design studies were under way, Designzit realized that there was significant interface with the "Main Street Revitalization Plan" being done by Townscapes, LLC. In fact, she was doing several other concept plans, the combination of which could have a wonderful impact on the proposed revitalization plan through pedestrian linkages and wetland corridor preservation. Designzit was excited by the combination of projects and the potential outcome. So she went to the town planner and pitched her new firm as being the best equipped to do the plan because she was already doing several ancillary projects. The analysis had not gone so far as to make it unreasonable for her new company to provide the service, considering the improved design potentials she saw.

While Sellzum was upset about losing the Housing Commission - as we all are when another is selected for a major project - Designzit had acted properly with her referral, and it was the client's decision as to the firm he would hire on a totally new endeavor.

"That may be," said Sellzum. "However, the details that were on the construction documents were not created by Designzit, but rather by Buildwell. First she stole my client and now she steals our details. She should do her own."

How do you feel? Is it "black and white" or "shades of gray?" And what about that town planner? How should he respond to the possibility she has presented for those potentially improved concepts? Should Designzit have approached the town planner about the possibility of taking over the work of Townscapes?

*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.*