

The Situation

"Nye Eve" had worked for landscape architect and ASLA member "Fleur Tatiuous" while in school, so after graduation it was natural she would partner with Tatiuous at Tandem Landscape Design. Eve was especially impressed when one of the most successful and better-known developers in town, "Ray Ceptive," awarded Tandem one of his biggest projects. As the months went by, Ceptive awarded project after project to Tandem, normally without requiring a written proposal or competition with other local landscape architecture firms. Tatiuous was spending a great deal of time working directly with Ceptive, often accompanying him to nighttime meetings, dinners, and even an out-of-town trip or two. One weekend they attended an ASLA Annual Meeting & Expo at which Tandem received a design award for work on one of Ceptive's projects! In fact, Tatiuous and Ceptive were seen together on a daily basis.



Eve hardly noticed, she was so busy cranking out designs. She was excited because she got to work on some high-profile and lucrative projects. After Tatiuous told Eve that Ceptive felt they were the best landscape architects in town, she wasn't surprised that the firm rarely had to compete for the developer's work. Eve was a bit nervous, though, when after receiving payment for one of the larger projects, Tatiuous suggested Tandem Landscape Design donate to a nonprofit organization the developer ran in his spare time. Eve argued the donation didn't seem appropriate, given that the nonprofit often hired landscape architects and Ceptive was on the selection committee. Tatiuous won out in the end, however, and the check was mailed.

***Whatever Happened In Pristine Place?
or Partnership Lost - Part Five***

The CONCLUSION you have been waiting for

Last we heard, the firm Ecco Friendly, comprising Sellzum and Buildwell, was hired to monitor compliance with construction conditions for a controversial project designed by Sellzum's former partner, Designzit, and constructed by former client Deepaw Ketts. Sellzum believed that Designzit had stolen both his clients and his work. This put Sellzum in the position of passing judgment on his former partner's plan for a project he felt rightfully belonged to his own company. Are there potential ethical issues here?

Upon learning of the selection of Ecco Friendly, both Bogs Forever!, the environmental group opposed to the project, and Deepaw Ketts complained to the town officials. Bogs Forever! claimed that Sellzum's prior association with both Designzit and Ketts would cause Sellzum to go easy on Ketts; Ketts claimed that Sellzum could not be impartial and objective in monitoring compliance because of bad blood with his former partner and client. As payback, Designzit also complained to the Ethics Committee about Ecco Friendly's actions.

The committee found that Sellzum had met his ethical responsibility to inform town officials about his former relationships with Designzit and Ketts (ES1.2) and the building department had hired Ecco Friendly in spite of the relationships. Regardless of the conclusion that no lapse of the code occurred, the committee noted that Ecco Friendly had put itself in an untenable position. There was an appearance of a conflict of interest, no matter how the firm acted. As the controversy intensified and the quagmire deepened, the town manager overruled the building department, discharged Ecco Friendly, and selected a firm with no prior association with the landscape architect or developer.

Then Eve began to have difficulty locating her partner when needed. A crisis would arise on an ongoing project, and anxious phone calls to Tatiou on her unlisted cell-phone were ignored. To make matters worse, clients and contractors were beginning to telephone looking for her, often with complaints only Tatiou could answer. When Eve finally located her, Tatiou always assured the young partner she would call the aggrieved party and straighten things out. A call from a long-time architect consultant made it apparent this was not the case. The architect said his firm could no longer work with Tandem due to unreliable communications and unmet deadlines. Apparently, work Tatiou promised for a critical deadline did not arrive on time.

Eve was assured she was not the offending party. Still, the architect would have to sever the relationship with Tandem to protect his firm's reputation. If Eve wanted to continue the work on her own, they would welcome the continuity. They made clear that under no circumstances would they work with Tatiou because of a rumored romantic relationship between Ceptive and Tatiou. When Eve warily confronted her partner, she was surprised when Tatiou announced the gossip was true and that she planned to continue the relationship despite the difficulties.

What should Eve do? Should she leave the partnership or remain loyal to her mentor? Should Tatiou have informed Eve of her "extracurricular" relationship with the client? Was the donation appropriate or a conflict of interest? How does personal life bear on professional reputation? Does Tatiou have an ethical responsibility to remain objective?

ASLA Ethics Committee Recommendation

[ASLA Code and Guidelines for Professional Conduct](#)

References are to **Canon I**, **ES1.1**, **R1.101** [dealing with others with honesty & integrity]; **R1.103** [promising anything of value in order to get the contract]; **ES1.2**, **R1.203** [making full disclosure of interest in project].

As a private developer, Ray Ceptive was free to retain the exclusive services of Tandem Landscape Architecture. However, Fleur Tatiou had an ethical responsibility to reveal her relationship with the developer, as it could, and in fact did, have an impact on the performance and viability of the firm and the partnership (R1.101).

The donation to the nonprofit was in itself not in violation of R1.103, but the appearance of "pay to play" is obvious. If Tandem were to be interviewed for a project with the organization, Tatiou would be in the position of having to disclose her relationship with Ceptive (R1.203). Even without fully understanding the relationship between Ceptive and Tatiou, though, Nye Eve was right in objecting to the donation.

Practitioners, like politicians, have a right to a private life. However, private conduct should not affect job performance. Tatiou's actions resulted in nonperformance on contracts and affected the reputation and bottom line of the partnership. Tatiou was in violation of ES1.1 and ES1.3.

The Ethics Committee cannot advise Eve about leaving the partnership.

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. Contact the Ethics Committee by emailing ethics@asla.org or by writing:

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