

Watcha Gonna Do?

Landscape Architecture Ethics

The Situation

D. Ceive, who is a design/build contractor, is an affiliate member. He insists on using ASLA on his promotional literature. Vic Tim, who has seen this literature, hires D. Ceive to build a terrace and a wooden deck in his backyard.

No sooner is the work done than Vic Tim is dissatisfied with it. The deck shakes uncontrollably whenever family or friends walk across it. What's more, the terrace floods every time it rains.

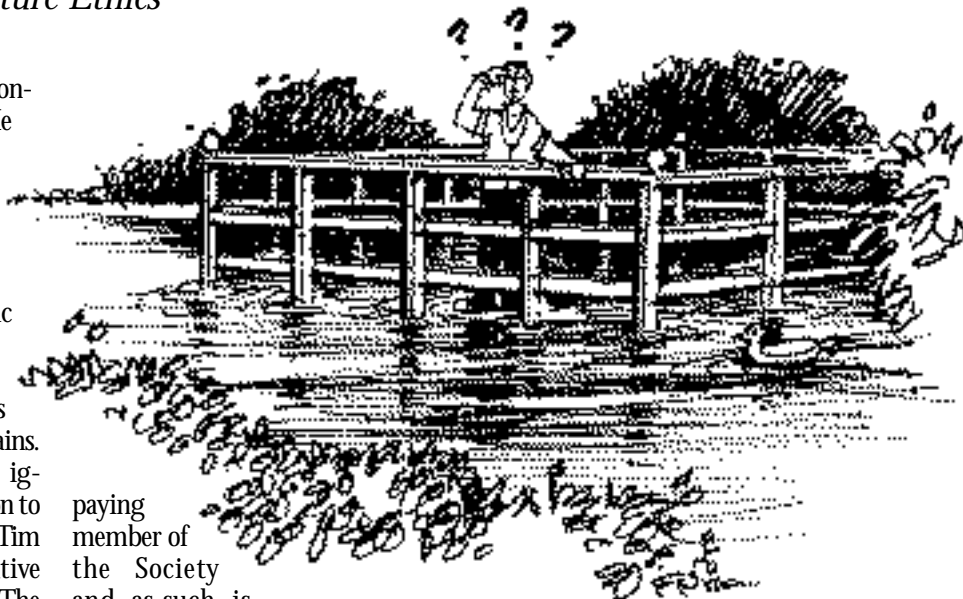
Vic Tim confronts D. Ceive, who ignores the complaint and takes no action to correct the situation. Exasperated, Vic Tim contacts the ASLA president and executive vice president to complain. He says, "The contractor who did faulty work on my house uses the professional designation of your Society. I chose a member of ASLA because I understood he would be trained and competent to properly solve my problems. I expect you to compensate me for his poor performance because I relied on your endorsement of D. Ceive, which was obviously flawed."

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Three parties are now involved in the situation: D. Ceive, Vic Tim, and ASLA officers and staff. We've already heard Vic Tim's position. Let's look at the case from the standpoint of the other parties involved.

Is D. Ceive obligated to fix the shoddy work? Did D. Ceive misrepresent himself as a landscape architect who has the appropriate academic training and professional experience to warrant the professional designation of ASLA?

D. Ceive contends that he is not obligated to fix the deck because the client asked him to cut corners on the design and construction costs that resulted in a marginal project. Further, D. Ceive blames the flooding of the terrace on the roof of a large shed in the neighbor's backyard that drains onto the terrace. As for the designation, D. Ceive insists that he is a dues-



paying member of the Society and, as such, is entitled to use the ASLA designation on his promotional material.

Are the ASLA officers and staff responsible for the quality of work performed by one of their affiliates? Can the Society take action against the affiliate for using the designation of ASLA on his literature?

Recommendation of the Ethics Committee

The committee noted that D. Ceive violated the Society's Bylaws by using "Affiliate ASLA," on his promotional literature. The committee also noted that D. Ceive's use of the designation was misleading to Vic Tim because it implied he was qualified to practice landscape architecture.

In this case, the supporting language is found in the Society's Bylaws rather than in the Code and Guidelines of Professional Conduct. Ethical Standard 3.103 of the Code states "Members, associates, and affiliates should adhere to the specific applicable terms of the Bylaws regarding use of references to ASLA membership."

To support its position, the Committee cited two sections of the Bylaws' Article 4, "Privileges of Members and Affiliates." Section 406 sets forth how the designation of affiliate may be used. It states the designation of affiliate "shall not be used on

any professional letterhead, card, sign, drawing, specifications, or contract documents; in any telephone or professional directory; or in any signed article, report, or other publication."

Section 406 further states that the use of affiliate is restricted to "correspondence with the Society, its membership, and its publications or in connection with any Society or Landscape Architecture Foundation matter or activity."

Finally, Section 408 states that affiliates shall not "use this designation in any way to imply eligibility to practice landscape architecture in any state contrary to the laws of the state."

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, N.W., Washington, D.C. 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, N.W., Washington, D.C. 20001-2357.