



## ***Inaccurate Claim of Professional Credit; Failure to Give Credit Where Due***

### **Summary**

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The facts of this case, as found by the hearing officer and supported by the evidence, establish a violation of Rule 4.107 by three Members who allowed the scope and nature of the responsibility of their firm in connection with a project to be inaccurately portrayed in a newspaper advertisement. The facts further establish a violation of Rule 5.201 by one of the Members for failing to include in the advertisement an appropriate reference to his former firm, which had done the bulk of the architectural work on the project. The penalty imposed for these infractions is admonition.

**All initials, names, dates, places, and gender references in this decision have been changed.**

### **References**

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*Code of Ethics and professional Conduct, Canon IV, Obligations to the Profession*

R. 4.107      Members shall accurately represent their qualifications and the scope and nature of their responsibilities in connection with work for which they are claiming credit.

*Code of Ethics and Professional Conduct, Canon V, Obligations to Colleagues*

R. 5.201      Members shall recognize and respect the professional contributions of their employees, employers and business associates.

### **Facts**

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A firm of two principals—A & B Architects (not the firm's real name)—was retained in 1985 to provide architectural services for a major building renovation. Architect B was the project architect from start to finish, and Architect A's involvement was peripheral.

When construction of the project was nearly complete in 1987, A and B decided to dissolve their partnership. Architect A formed his own firm, and Architect B joined the firm of C & D Architects. B continued as the architect on the renovation project, and A did no work on it after the partners separated.

Architects A and B had one or more conversations around the time of their separation about how work done by their former partnership should be credited. They reached no agreement on the subject, but A stated that no unearned credit should be given to B's new firm for work that had been done by the dissolved partnership.

Three months later, B was invited to participate in a full page advertisement in the local paper announcing the completion of the project and listing members of the building team. In formulating the part of the ad that identified the "Architect/Interior Designer" for the project, B consulted briefly with C and D, who felt that some reference to B's former firm would be appropriate, but left the final decision to B. As submitted to the newspaper and printed, the ad listed B's name in boldface type, followed in smaller type by the name of his current firm, C & D Architects. There was no reference to the firm of record, A & B Architects.

A saw the advertisement for the first time when it



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was printed in the newspaper. He believed that it unfairly credited the C & D firm for work done by his former firm. He promptly commenced this proceeding against B, C, and D.

## **Discussion**

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The essential facts of this matter are undisputed and relatively simple. We are to decide whether the conclusions of the hearing officer as to the meaning and effect of the advertisement in the circumstances of this case are supported by the evidence. We think that they are, and accordingly find that the Code has been violated.

The hearing officer found that the ordinary reader of the ad would conclude that the firm of C & D Architects had a leading role in the project, which was not true. This conclusion is compelled by the evidence, since both sides agree that it is not customary to credit an individual as the architect of record when he is engaged in practice with a firm. The inclusion of a firm name in the notice would naturally lead one to believe it was the firm with primary responsibility for the project. Here, the architect of record was A & B Architects. B, C, and D, by allowing the name C & D Architects to appear in the notice without an explanation of the firm's role, misrepresented the scope and nature of their responsibilities in connection with the project in violation of Rule 4.107.

We do not doubt that B intended the reference to C & D Architects in the ad simply to reflect that he was currently employed by that firm. Nevertheless, he and his principals should have been more sensitive to how the ad would be understood by the public and the need to accurately portray the firm's connection to the project.

Turning to the separate question whether B adequately credited his former firm and partner in the ad, we agree with the hearing officer that Rule 5.201 must be read to include former as well as

current business associates. B therefore was required to recognize the professional contribution of the A & B firm to the project, even though that firm no longer existed. A & B Architects was the firm of record for the project, and the omission of any mention of the firm in the ad was a significant failing.

We don't think there would have been any negative connotation, as B suggests, to indicating in the ad that he was formerly of the firm of A & B Architects. Particularly in light of the discussions he had had with A about professional credit for their former firm, it was wrong for B not even to confer with A on how this advertisement should be phrased. We agree with the hearing officer that these facts present a violation of Rule 5.201.

In considering what penalty to impose, we think it significant that there is no evidence in the record of malice or ill will in the formulation of the ad's text. The conduct here, from all that we can see, was an honest mistake in judgement. The problem could have been avoided through greater care and sensitivity to the interests of others and through better communication among the persons involved. Having all these considerations in mind, we accept the recommendation of the hearing officer and admonish the Respondents for their failure to adhere to the Rules in this instance.

## **Conclusion**

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Members B, C, and D violated Rule 4.107 of the Code of Ethics and Professional Conduct by permitting the appearance of an advertisement that inaccurately gave credit to their firm for work that was the responsibility of another firm. In addition, Member B violated Rule 5.201 by failing to include in the ad an appropriate reference to his former firm, which was the architect of record for the project. The penalty imposed by the Council for each of these infractions is admonishment.



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*The hearing officer, Samuel A. Anderson III, FAIA, did not participate in the decision of this case, as provided in the Rules of Procedure. Peter Forbes, FAIA, a member of the Council, also did not participate.*

**July 15, 1988**