

## CASE SUMMARY #6

### DISCREDITING FELLOW ARCHITECTS

#### COMPLAINT REVIEW COMMITTEE

The AAA Complaint Review Committee recently heard a case involving an attempt by one of our members to discredit fellow architects and to undermine their reputation in the eyes of a major client.

#### BACKGROUND AND FACTS

The member worked with ABC architectural firm for approximately three years before being released. The member eventually found other work, but carried resentment toward the firm for his dismissal. Some twenty months after leaving the firm, the member marked up an outdated copy of firm promotional materials that he had obtained while employed by the firm. The materials were marked with handwritten comments of a derogatory nature directed at the individual principals and at the firm. The markings made disparaging and malicious comments about the professional credentials, project involvement, credit for work and the personal integrity of the individuals and the firm.

The member sent the marked up materials by an anonymous facsimile to X, a major client of ABC, for the purpose of discrediting the individual architects and the firm in the eyes of their client and to cause damage to the reputation and standing of the firm in the architectural and business communities.

Upon receipt of the fax, X immediately forwarded the document to ABC where it was determined that the handwriting on the fax was that of the former employee. The member admitted to having created and sending the document, and immediately wrote a letter of retraction to X and reported himself to the Complaint Review Committee of the AAA.

#### FINDINGS OF THE PANEL

The member cooperated fully in the investigation and hearing of the complaint by providing an Agreed Statement of Facts which admitted the conduct noted above. The panel found that the conduct of the member amounted to unprofessional conduct because:

- ▶ the conduct contravened Rules 1 and 2 of the Code of Ethics - the member failed to discharge with honesty, courtesy and good faith the duty that he owes to his fellow members of the profession and in so doing he failed to maintain the integrity of the profession; and
- ▶ such conduct brought harm to the standing of the profession of architecture generally, in contravention of section 30(1)(c) of the Architects Act.

#### SANCTIONS

In addition to a formal reprimand, the panel ordered a fine of \$2500 and publication of a case summary for the education of the membership. In its decision, the panel emphasized that the

professional misconduct displayed in this case – one member intentionally trying to discredit and harm another – is conduct that the panel considers to be near the highest possible level of seriousness.

Had it not been for the panel's acknowledgement of certain mitigating factors, including the member's personal situation, the fact that the member fully acknowledged his mistake, made every effort to minimize the damage, and make good to those affected by his actions and cooperated in the investigation and hearing of this matter, the consequences would have been considerably more significant. The relatively lenient sanctions imposed should not be construed as an indication that the conduct was not serious. It is rather a reflection of the specific circumstances unique to this case.

## COMMENTARY

This case serves as a reminder of two very important principles.

Firstly, as professionals, our reputation is of immense value. It is a key basis on which clients and members of the community judge our qualifications, abilities, competence and integrity. As such, it ultimately impacts our ability to earn a living. Members need to understand that any activities that cause a member of the public to question a fellow member's ability or integrity can have serious consequences. In the case at hand, this was fortunately avoided, and the parties escaped what could have been a disastrous outcome for the victim firm and for the member had the firm lost the client and chosen to pursue recovery of financial losses in a civil law suit.

Secondly, as a profession we need to treat our fellow architects and licensed interior designers with the regard, respect, and courtesy befitting the profession. The practice is wrought with situations, confrontations, and obstacles that can make day to day business challenging. It is especially unfortunate and unacceptable when our fellow professionals contribute to negative conditions through discourteous attitudes, lack of professionalism, or sharp practice toward one another. It is up to each one of us to consider how we treat those in our field, bearing in mind always that our behaviour reflects not only on ourselves, but contributes to the general public's perception of the profession. We all have a stake in maintaining the integrity of the profession – it starts here.

### **Date: February 2011**

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