

CASE SUMMARY #4

CLIENT MANAGEMENT & INFERIOR PROFESSIONAL SERVICES

COMPLAINT REVIEW COMMITTEE

The AAA Complaint Review Committee recently heard a case that illustrates the need for architects to be diligent in managing demanding clients and realistic in recognizing deficiencies in their own practice resources.

BACKGROUND AND FACTS

The architect was retained to complete a high profile renovation project with tight deadlines. As the project progressed, the architect experienced personal difficulties that affected his availability and it became evident that as a sole practitioner he did not have the resources available to meet client demands and to complete the project as contracted. The project fell behind schedule, the client was unhappy with the quality of the work being produced by the architect and with the level of direction, coordination and communication provided by the architect on the project. The working relationship deteriorated with the architect eventually being fired and the client hiring a replacement. The project was finished significantly late and over budget.

FINDINGS OF THE PANEL

The architect was fully cooperative in the hearing process and admitted a failure to perform the professional services required of an architect on the project. The panel found that the architect:

- ▶ produced work on the project that was of an inferior quality;
- ▶ failed to communicate with the client and other consultants and failed to provide sufficient coordination and direction during construction;
- ▶ was responsible for delays in responding to client requests for information and delays in providing contract drawings resulting in the project being substantially behind schedule;
- ▶ had inadequate communication with the client and permitted communication to be of a poor standard: being unavailable, failing to return telephone calls, attend meetings or respond to client in a timely manner; and
- ▶ failed to pay consultants for work performed on the project.

SANCTIONS

In addition to a formal reprimand, the panel ordered the following:

- ▶ a fine of \$5,000;
- ▶ payment of the \$5,000 to the AAA towards costs of the complaint, investigation, and hearing;
- ▶ publication of a Case Summary for the education of the members.

COMMENTARY

This is not a situation where an architect lacked the skill or ability to meet client needs- the member was and continues to be a fine architect. Rather, the circumstances leading to the complaint and hearing were a result of the member's failure to take control of the situation by being candid and open with the client in establishing structured working parameters. Upon realizing that he could not meet client expectations, the architect should have withdrawn from the project.

By refusing to acknowledge and deal with the problem, the situation compounded resulting in significant financial loss, stress and aggravation for both the client and the architect. Further, the member advises that he is still, several years later, experiencing the results of the damage to his professional reputation resulting from this incident. As professionals we need to ensure we recognize and react to unmanageable circumstances before they have significant and lasting consequences on our professional and personal lives.

Date: May 2007

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