

Ethics and Professional Conduct

Ethics / Ethos (habit)

Professional Ethics

- In December 1836, 23 architects in the north east (New York, Philadelphia, Boston, etc.) found the first organization from which emerged the contemporary AIA. Gentleman's club. Anti-regulation.
- In 1884 the Western Association of Architects was formed in Chicago. Chicago Fire, endorsed professional regulation & licensure of Architects.
- These two organization began the merger process in 1887.
- Founded in 1975 with the consolidation of the American Institute of Decorators (AID) and the National Society of Interior Designers (NSID), the American Society of Interior Designers is the oldest, largest and leading professional organization for interior designers.
- Founded in 1899, the **American Society of Landscape Architects** is the national professional association representing landscape architects. Beginning with 11 original members, ASLA has grown to more than 15,000 members and 48 chapters, representing all 50 states, US territories, and 42 countries around the world. ASLA promotes the landscape architecture profession and advances the practice through advocacy, education, communication, and fellowship.

Professional Ethics

- Ethical Standards for Architects: US two standards.
- *National Council of Architectural Registration Boards (NCARB)*: Their rules are guided by certain core values as they pertain to the protection of the life, safety, and welfare of the public, issues to which architects are legally bound by individual state licensure laws.
- *The American Institute of Architects (AIA)*: Issued a Code of Ethics and Professional Conduct which addresses life safety and public welfare issues, and also includes rules of conduct that deal with professional interactions between architects and their colleagues and their clients.

Professional Ethics

- 1909: AIA first code of ethics penalized:
- Design-build
- Paid advertising
- Fee-based competition
- Uncompensated design competitions
- 1977: Architect sued AIA with civil damages for AIA code of ethics
- He supplanted another architect in a job
- Federal District court rules AIA code rule violated antitrust law.
- AIA suspended code of ethics

AIA Code of Ethics:

- Applies to the professional activities of all AIA members regardless of their membership category.

-Enforced by the AIA National Ethics Council (NEC).

-The AIA NEC penalties:

- **Admonition (private):** A letter of the ruling is sent to the parties involved and kept in the respondent's membership file.

- **Censure (public):** A letter is sent and notification of the case and ruling is published to the AIA membership.

- **Suspension of membership:** The respondent's membership is suspended for a period of time, usually one or two years, and the ruling is published.

- **Termination of membership:** The respondent's membership is terminated and the ruling is published.

AIA Code of Ethics

<p>THE AMERICAN INSTITUTE OF ARCHITECTS</p> <p>Ethics</p> <p>FROM THE OFFICE OF GENERAL COUNSEL</p> <p>2004 Code of Ethics & Professional Conduct</p> <p>Preamble</p> <p>Members of The American Institute of Architects are dedicated to the highest standards of professionalism, integrity, and competence. This Code of Ethics and Professional Conduct states guidelines for the conduct of Members in fulfilling these obligations. The Code is arranged in three tiers of statements: Canon, Ethical Standards, and Rules of Conduct.</p> <ul style="list-style-type: none"> Canon are broad principles of conduct. Ethical Standards (E.S.) are more specific goals toward which Members should aspire to professional performance and behavior. Rules of Conduct (R) are mandatory; violation of a Rule is grounds for disciplinary action by the Institute. <p>The Code applies to the professional activities of all classes of Members, wherever they occur. It addresses responsibilities to the public, which the profession serves and owes, to the clients and users of architecture and in the building industries, who help to shape the built environment, and to the art and science of architecture, that continuum of knowledge and creation which is the heritage and legacy of the profession.</p> <p>CANON I</p> <p>General Obligations</p> <p>Members should maintain and advance their knowledge of the art and science of architecture, respect the body of architectural accomplishment, contribute to its growth, thoughtfully consider the social and environmental impact of their professional activities, and exercise honest and uncompromised professional judgment.</p> <p>E.S. 1.1 Knowledge and Skill: Members should strive to improve their professional knowledge and skill.</p> <p>Rule 1.101 In practicing architecture, Members shall demonstrate a</p>	<p>Commentary is provided for some of the Rules of Conduct. That commentary is meant to clarify or elaborate the intent of the rule. The commentary is not part of the Code. Enforcement will be determined by application of the Rules of Conduct alone; the commentary will assist those seeking to conform their conduct to the Code and those charged with its enforcement.</p> <p>Statement in Compliance With Antitrust Law</p> <p>The following practices are not, in themselves, unethical, unprofessional, or contrary to any policy of The American Institute of Architects or any of its components:</p> <p>(Understanding, at any time, competitive bids or price quotations, including in circumstances where price is the sole or principal consideration in the selection of an architect,</p> <p>Overbidding discounts, or</p> <p>Overbidding fee services.</p> <p>Individual architects or architecture firms, acting alone and not on behalf of the Institute or any of its components, are free to decide for themselves whether or not to engage in any of these practices. Antitrust law permits the Institute, its components, its Members to advocate legislative or other government policies or actions relating to these practices. Finally, architects should continue to consult with state laws or regulations governing the practice of architecture.</p> <p>education, research, training, and practice.</p> <p>E.S. 1.2 Steward and Cultural Heritage: Members should respect and help preserve their natural and cultural heritage while striving to improve the environment and the quality of life within it.</p> <p>E.S. 1.4 Human Rights: Members should uphold human rights in all their professional endeavors.</p> <p>Rule 1.401 Members shall not discriminate in their professional activities on the basis of race, religion, gender, national origin, age, disability, or sexual orientation.</p>	<p>2004 CODE OF ETHICS AND PROFESSIONAL CONDUCT</p> <p>E.S. 1.5 Allied Arts & Industries: Members should promote allied arts and contribute to the knowledge and capability of the building industries as a whole.</p> <p>CANON II</p> <p>Obligations to the Public</p> <p>Members should embrace the spirit and letter of the law governing their professional affairs and should promote and serve the public interest in their personal and professional activities.</p> <p>E.S. 2.1 Conduct: Members should uphold the law in the conduct of their professional activities.</p> <p>Rule 2.101 Members shall not, in the conduct of their professional practice, knowingly violate the law.</p> <p>Commentary: The violation of any law, local, state or federal, occurring in the conduct of a Member's professional practice, is made the basis for discipline by this rule. This includes the federal Copyright Act, which prohibits copying architectural works without the permission of the copyright owner. Allegations of violations of this rule must be based on an independent finding of a violation of the law by a court of competent jurisdiction or an administrative or regulatory body.</p> <p>Rule 2.102 Members shall neither offer nor make any payment or gift to a public official with the intent of influencing the official's judgment in connection with an existing or prospective project in which the Members are interested.</p> <p>Commentary: This rule does not prohibit campaign contributions made in</p>	<p>alleged violation of this rule is based on a violation of a law, or of fraud, then its proof must be based on an independent finding of a violation of the law or a finding of fraud by a court of competent jurisdiction or an administrative or regulatory body.</p> <p>Rule 2.105 If, in the course of their work on a project, the Members become aware of a decision taken by their employer or client which violates any law or regulation and which will, in the Members' judgment, materially affect adversely the safety of the public of the finished project, the Members shall:</p> <p>(a) advise their employer or client against the decision, and</p> <p>(b) refuse to consent to the decision, and</p> <p>(c) report the decision to the local building inspector or other public official charged with the enforcement of the applicable laws and regulations, unless the Members are able to assure the member to be satisfactorily resolved by other means.</p> <p>Commentary: This rule extends only to violations of the building laws that threaten the public safety. The obligation under this rule applies only to the safety of the finished project, an obligation coextensive with the usual understanding of an architect.</p> <p>Rule 2.106 Members shall not assist a client in connection with the architect knows, or should know, is fraudulent or illegal.</p> <p>E.S. 2.2 Public Interest Service: Members should to</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

5 CANONS:

Broad principles of conduct:

- I. General obligations
- II. Obligations to the public
- III. Obligations to the client
- IV. Obligations to the profession
- V. Obligations to colleagues

E.S. = ETHICAL STANDARDS:

Defined Goals

RULES

Mandatory and enforceable

COMMENTARIES

Developed for clarity

arts and contribute to the knowledge and capability of the building industries as a whole.

CANON II

Obligations to the Public

Members should embrace the spirit and letter of the law governing their professional affairs and should promote and serve the public interest in their personal and professional activities.

E.S. 2.1 Conduct: Members should uphold the law in the conduct of their professional activities.

Rule 2.101 Members shall not, in the conduct of their professional practice, knowingly violate the law.

Commentary: The violation of any law, local, state or federal, occurring in the conduct of a Member's professional practice, is made the basis for discipline by this rule. This includes the federal Copyright Act, which prohibits copying architectural works without the permission of the copyright owner. Allegations of violations of this rule must be based on an independent finding of a violation of the law by a court of competent jurisdiction or an administrative or regulatory body.

Rule 2.102 Members shall neither offer nor make any payment or gift to a public official with the intent of influencing the official's judgment in connection with an existing or prospective project in which the Members are interested.

Commentary: This rule does not prohibit campaign contributions made in

proof must be based on an independent finding of a violation of the law or a finding of fraud by a court of competent jurisdiction or an administrative or regulatory body.

Rule 2.105 If, in the course of their work on a project, the Members become aware of a decision taken by their employer or client which violates any law or regulation and which will, in the Members' judgment, materially affect adversely the safety of the public of the finished project, the Members shall:

- (a) advise their employer or client against the decision,
- (b) refuse to consent to the decision, and
- (c) report the decision to the local building inspector or other public official charged with the enforcement of the applicable laws and regulations, unless the Members are able to assure the member to be satisfactorily resolved by other means.

Commentary: This rule extends only to violations of the building laws that threaten the public safety. The obligation under this rule applies only to the safety of the finished project, an obligation coextensive with the usual understanding of an architect.

Rule 2.106 Members shall not assist a client in connection with the architect knows, or should know, is fraudulent or illegal.

E.S. 2.2 Public Interest Service: Members should to

Common Ethics Violations

The most common violations are:

- **Attribution of credit**
- **Accurate representation of qualifications**
- **Attainment and provision of examples of work**
- **Basic honesty**

Common Ethics Violations 1

• **Attribution of credit:**

Improperly taking or not giving appropriate credit and Recognition *(due to an incomplete understanding of the ethical standards and rules of conduct)*

NEC typically views the **Architect-of-Record** as the legal entity that has contracted for and completed the work in question. Architects other than the **Architect-of-Record** should clearly state their role while acknowledging the architect of record

ES 4.2 Dignity and Integrity:

Rule 4.201 Members shall not make misleading, deceptive, or false statements or claims about their professional qualifications, experience, or performance and shall accurately state the scope and nature of their responsibilities in connection with work for which they are claiming credit.

ES 5.3 Professional Recognition:

Rule 5.301: Members shall recognize and respect the professional contributions of their employees, employers, professional colleagues, and business associates.

CASE STUDY 1: Attribution of credit violation



THE AMERICAN
INSTITUTE
OF ARCHITECTS

Code of Ethics and
Professional Conduct
DECISION 2004-10

**Misleading or Deceptive Claim of Credit for
Projects Done while at a Previous Firm; Failure
To Give Appropriate Credit; Taking Copies of
Photographs from a Previous Firm Without
Permission**



Architect **B** worked in Architect **A** office 10 years



Architect **B** move to a new office.

The Marketing department of new office made a brochure about the new hire:

"one of this region's leaders in architectural design and project management with over \$200 million in projects and 10 years of award-winning design and project management experience."

"His portfolio includes the acclaimed Office Building, Sports Facility, and College Facility, Stadium, the University Facility, and the University Hospital."

No mention of Architect **A** firm

Penalty

Having found violations of Rules 4.201, 5.201, and 5.202 of the 1997 Code of Ethics by Respondent A and violation of Rules 4.201 and 5.201 of the 1997 Code of Ethics by Respondent B, the National Ethics Council must decide an appropriate penalty.

Council directs that the penalty of Censure be imposed as to Respondent A and Respondent B.

[The Respondents appealed the NEC's decision to the Institute's Executive Committee, as permitted in Chapter 7 of the Rules of Procedure. The Executive Committee approved the NEC's decision and the penalty imposed.]

Common Ethics Violations 2

- **Accurate representation of qualifications:** Overstatement, even if well-intentioned, can lead to unrealistic expectations on the part of the client or other project participants and thus to subsequent owner dissatisfaction.

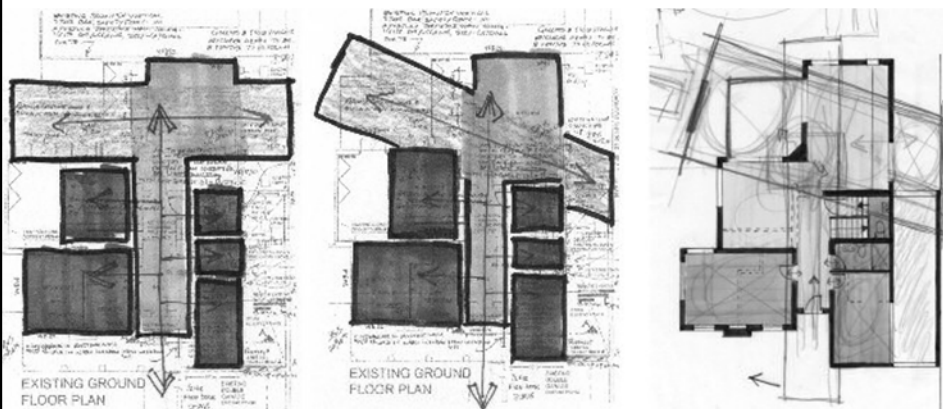
The **architect-of-record** must ultimately be responsible for complying with laws and codes as well as with other commitments, such as the project budget, a client's goals, a building's function, or environmental standards.

Rule 1.101: In practicing architecture, Members shall demonstrate a consistent pattern of reasonable care and competence, and shall apply the technical knowledge and skill which is ordinarily applied by architects of good standing practicing in the same locality.

Rule 3.102: Members shall undertake to perform professional services only when they, together with those whom they may engage as consultants, are qualified by education, training, or experience in the specific technical areas involved.

CASE STUDY 2: *Accurate representation of qualifications*

Architect A did a house for **Client B** and he was asked by **Client B** to design a strip shopping center in a suburban community.



CASE STUDY 2: *Accurate representation of qualifications*

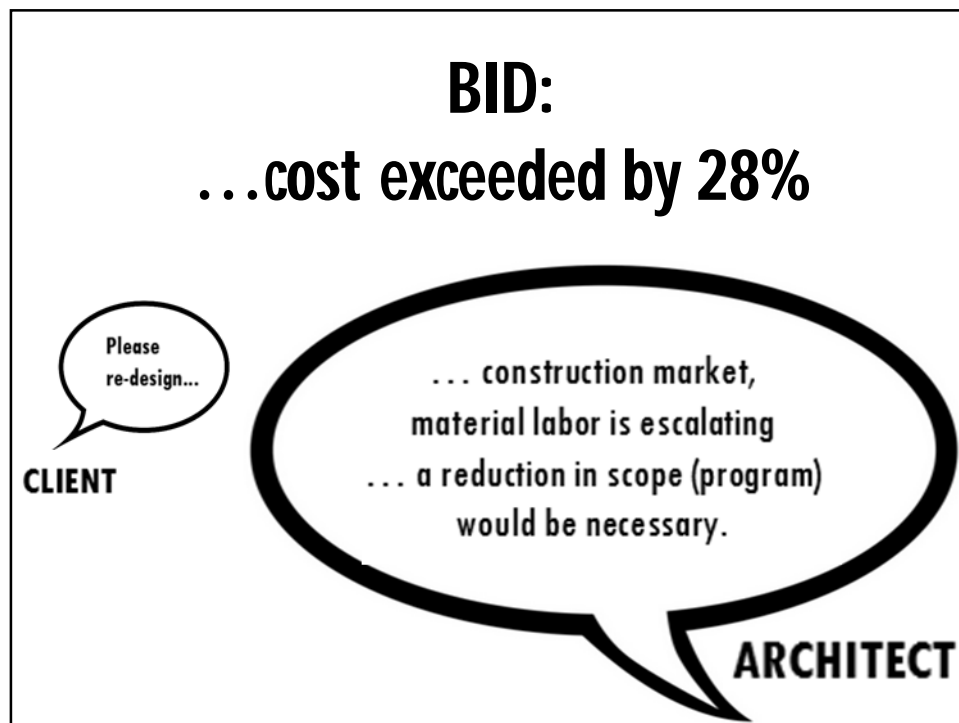
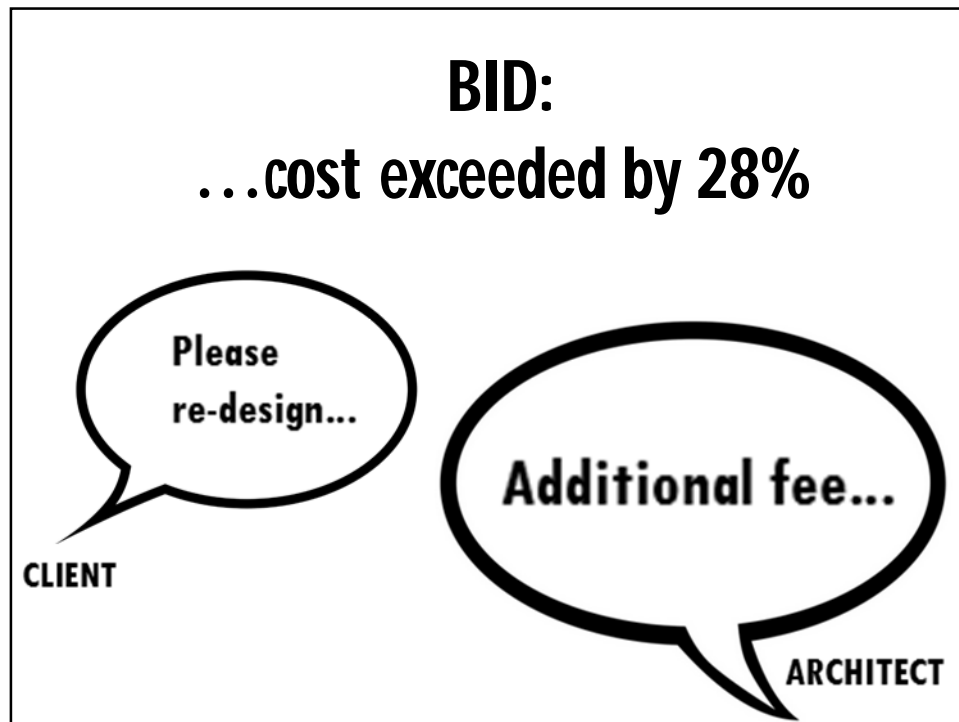
Architect A didn't have experience in Shopping Centers. **Client** was experienced in shopping centers and had in-house staff to assist with cost estimation, material, and system selections, bidding and negotiating with contractors, and project supervision.

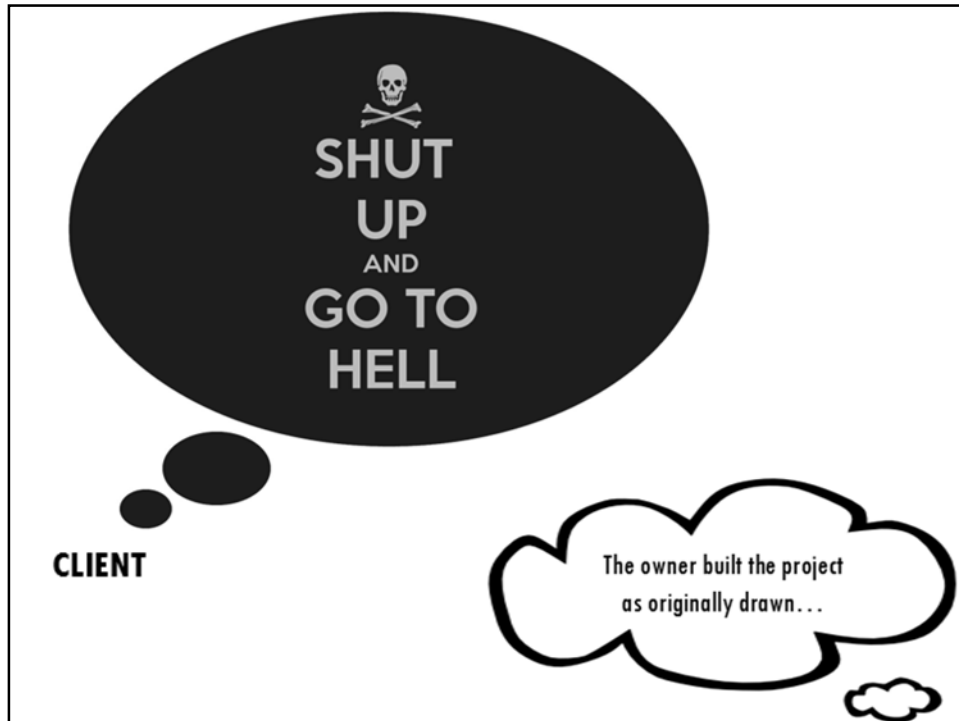
**CASE STUDY 2: *Accurate representation of qualifications***

A : Architect completed the work as contracted.

M : Mechanical systems completed by Mechanical Engineer recommended by the client.

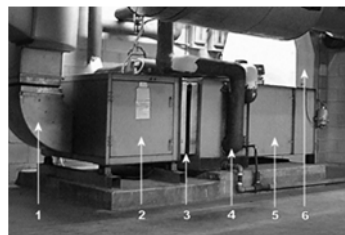
S: The structural engineer relied on the soils test provided by the client.



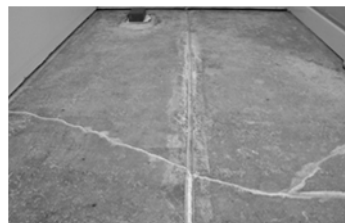


2 YEARS LATER:

Air-handling units had to be replaced.



Cracks in the concrete slabs.





CASE STUDY 2: *Accurate representation of qualifications*

The client brought a civil case against the architect for:

1. Cost to replace the air-handling units.
2. Cost to replace concrete slabs throughout the project.
3. Lost revenue due to sub-market rent for retail spaces with defective floors.
4. Cost of the entire architectural fee because the architect took on a project without adequate project experience.

Was the architect actually responsible for any of these costs?

If the architect was found not responsible by a court, are there ethical violations or violations of the licensing board's rules?

CASE STUDY 3: *Expectations & Results*

- An architect is engaged to design a single family home for a young couple. Budget was excluded from standard Architect-Owner AIA contract document
- Architect is concerned about the budget the clients have for this project.
- At the completion of the schematic design, offered to have three contractors review the drawings and provide preliminary cost estimates.
- Estimates are favorable, clients direct Architect to complete Construction Documents
- The final drawings did not alter the scope of the project, however, additional details were provided defining the foundation, structure, architecture details.

-BID: cost of construction escalated.

- Even though the reasons for the cost increases were strictly market-driven, the clients were upset with the architect and filed an ethics complaint.
- Even though responsibility for construction cost was specifically omitted from the contract, did the architect implicitly accept some level of responsibility for the cost by recommending preliminary estimates? Should the architect be required to revise the drawings to bring the project within budget? What actions could the architect have taken to help the clients have more realistic expectations and a better understanding of their responsibilities?

Common Ethics Violations 3

• ***Attainment and provision of examples of work:*** In light of current technologies and the variety of roles that architects perform, defining an architect's work is increasingly difficult.

For example, should an architect who predominantly created or adapted computer software or developed unique technical details be given copies of that work upon leaving a firm? How can the rights of the firm and of the employee be protected?

Rule 5.302: *Members leaving a firm shall not, without the permission of their employer or partner, take designs, drawings, data, reports, notes, or other materials relating to the firm's work, whether or not performed by the member.*

Rule 5.303: *A member shall not unreasonably withhold permission from a departing employee or partner to take copies of designs, drawings, data, reports, notes, or other materials relating to work performed by the employee or partner that are not confidential.*

Employers, however, are not obligated to make the entire project documentation available to employees. Sample Firm Policy.

Common Ethics Violations 4

- **Basic honesty:** comparing fee structures . . .

From working on personal work during office hours, to using internet at work

Ethics at all levels

Confidentiality

Discretion expected from clients and employees at the firm

Intellectual property

Architectural Work Copyright Protection Act 1990: protects technical drawings, building design, specifications, reports, etc.

Personal Commitment

Personal Projects/Moonlighting

CH The New York Times SUBSCRIBER

ACADEMY AWARD NOMINEE BEST FOREIGN LANGUAGE FILM **WILD TALES** Opens NY & LA 2/20, Coming Soon to a City Near You

ART & DESIGN

Prison Architecture and the Question of Ethics

By MICHAEL KIMMELMAN FEB. 16, 2015

Email Share Tweet Pin Save More

BIRD MAN
NOW PLAYING
GET TICKETS

SAN FRANCISCO — Faced with lawsuits and a growing mountain of damning research, New York City officials *decided last month* to ban solitary confinement for prison inmates 21 and younger. Just a few weeks earlier, the American Institute of Architects rejected a petition to censure members who design solitary-confinement cells and death chambers.

"It's just not something we want to determine as a collective," Helene Combs Dreiling, the institute's former president, told me. She said she put together a special panel that reviewed the plea. "Members with deeply embedded beliefs will avoid designing those building types and leave it to their colleagues," Ms. Dreiling elaborated. "Architects self-select, depending on where they feel they can contribute best."

What are the ethical boundaries for architecture? Architecture is one of the learned professions, like medicine or law. It requires a



A death-row jail cell in Huntsville, Tex. The design of such quarters has raised questions. Reuters

ACADEMY AWARD NOMINEE BEST FOREIGN LANGUAGE FILM

NCARB Rule of Conducts:

- NCARB. The National Council of Architectural Registration Boards
- is a nonprofit corporation comprising the legally constituted architectural registration boards of the 50 states, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands as its members.
- NCARB recommends model law, regulations, and guidelines but each state board makes its own laws and registration requirements.
- NCARB administers:
 - The Intern Development Program (IDP),
 - The Architect Registration Examination (ARE),
 - Facilitates reciprocity between jurisdictions through the NCARB Certificate.

NCARB Rule of Conducts:

- RULES OF CONDUCT
- The Committee views these rules as having as their objective the protection of the public and not the advancement of the interests of the profession of architecture.
- Does not include precatory injunctions or penalties but Architects risk being penalized by State boards.
- The enforcement of these rules is the subject of a paper titled "Procedural Requirements for Discipline of Architects by State Architectural Registration Boards."

NCARB Rule of Conducts:

Made of 5 General Rules of conduct:

- 1. COMPETENCE
- 2. CONFLICT OF INTEREST
- 3. FULL DISCLOSURE
- 4. COMPLIANCE WITH LAWS
- 5. PROFESSIONAL CONDUCT

RULE 2 CONFLICT OF INTEREST

2.1 An architect shall not accept compensation in connection with services from more than one party on a project (and never in connection with specifying or endorsing materials or equipment) unless the circumstances are fully disclosed to and agreed to (such disclosure and agreement to be in writing) by all interested parties.

COMMENTARY

This rule recognizes that in some circumstances an architect may receive compensation from more than one party involved in a project but that such bifurcated loyalty is unacceptable unless all parties have understood it and accepted it.

2.2 If an architect has any business association or direct or indirect financial interest which is substantial enough to influence his/her judgment in connection with the performance of professional services, the architect shall fully disclose in writing to his/her client or employer the nature of the business association or financial interest, and if the client or employer objects to such association or financial interest, the architect will either terminate such association or interest or offer to give up the commission or employment.

COMMENTARY

Like 2.1, this rule is directed at conflicts of interest. It requires disclosure by the architect of any interest which would affect the architect's performance.

NCARB Rule of Conducts:

- 1. COMPETENCE

- 1.1** In practicing architecture, an architect's primary duty is to protect the public's health, safety, and welfare. In discharging this duty, an architect shall act with reasonable care and competence, and shall apply the knowledge and skill which is ordinarily applied by architects of good standing, practicing in the same locality.
- 1.2** In designing a project, an architect shall take into account all applicable state and municipal building laws and regulations. While an architect may rely on the advice of other professionals (e.g., attorneys, engineers, and other qualified persons) as to the intent and meaning of such laws and regulations, once having obtained such advice, an architect shall not knowingly design a project in violation of such laws and regulations.

NCARB Rule of Conducts:

- 1. COMPETENCE

- 1.3 An architect shall undertake to perform professional services only when he/she, together with those whom the architect may engage as consultants, is qualified by education, training, and experience in the specific technical areas involved.**
- 1.4 No person shall be permitted to practice architecture if, in the board's judgment, such person's professional competence is substantially impaired by physical or mental disabilities.**

NCARB Rule of Conducts:

- 2. CONFLICT OF INTEREST

- 2.1 An architect shall not accept compensation in connection with services from more than one party on a project (and never in connection with specifying or endorsing materials or equipment) unless the circumstances are fully disclosed to and agreed to (such disclosure and agreement to be in writing) by all interested parties.**
- 2.2 If an architect has any business association or direct or indirect financial interest which is substantial enough to influence his/her judgment in connection with the performance of professional services, the architect shall fully disclose in writing to his/her client or employer the nature of the business association or financial interest, and if the client or employer objects to such association or financial interest, the architect will either terminate such association or interest or offer to give up the commission or employment.**

NCARB Rule of Conducts:

- 2. CONFLICT OF INTEREST

- 2.3** An architect shall not solicit or accept compensation from material or equipment suppliers in connection with specifying or endorsing their products. As used herein, "compensation" shall not mean customary and reasonable business hospitality, entertainment, or product education.
- 2.4** When acting as the interpreter of building contract documents and the judge of contract performance, an architect shall render decisions impartially, favoring neither party to the contract.

NCARB Rule of Conducts:

- 3. FULL DISCLOSURE

- 3.1** An architect, making public statements on architectural questions, shall disclose when he/she is being compensated for making such statement or when he/she has an economic interest in the issue.
- 3.2** An architect shall accurately represent to a prospective or existing client or employer his/her qualifications, capabilities, experience, and the scope of his/her responsibility in connection with work for which he/she is claiming credit.

NCARB Rule of Conducts:

- 3. FULL DISCLOSURE

3.3 If, in the course of his/her work on a project, an architect becomes aware of a decision taken by his/her employer or client, against the architect's advice, which violates applicable state or municipal building laws and regulations and which will, in the architect's judgment, materially and adversely affect the safety to the public of the finished project, the architect shall

- (i) report the decision to the local building inspector or other public official charged with the enforcement of the applicable state or municipal building laws and regulations,
- (ii) refuse to consent to the decision, and
- (iii) in circumstances where the architect reasonably believes that other such decisions will be taken notwithstanding his/her objection, terminate his/her services with reference to the project unless the architect is able to cause the matter to be resolved by other means.

In the case of a termination in accordance with Clause (iii), the architect shall have no liability to his/her client or employer on account of such termination.

NCARB Rule of Conducts:

- 3. FULL DISCLOSURE

3.4 An architect shall not deliberately make a false statement or fail deliberately to disclose accurately and completely a material fact requested in connection with his/her application for registration or renewal or otherwise lawfully requested by the board.

3.5 An architect shall not assist the application for registration of a person known by the architect to be unqualified in respect to education, training, experience, or character.

3.6 An architect possessing knowledge of a violation of these rules by another architect shall report such knowledge to the board.

NCARB Rule of Conducts:

- 3. FULL DISCLOSURE

- 3.7** An architect possessing knowledge of an applicant's qualifications for registration shall cooperate with the applicant, the Board and/or NCARB by responding appropriately regarding those qualifications when requested to do so. An architect shall provide timely verification of employment and/or experience earned by an applicant under his or her supervision if there is reasonable assurance that the facts to be verified are accurate. An architect shall not knowingly sign any verification document that contains false or misleading information.

NCARB Rule of Conducts:

- 4. COMPLIANCE WITH LAWS

- 4.1** architect shall not, in the conduct of his/her architectural practice, knowingly violate any state or federal criminal law.
- 4.2** An architect shall neither offer nor make any payment or gift to a government official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which the architect is interested.

NCARB Rule of Conducts:

- 4. COMPLIANCE WITH LAWS

- 4.3** An architect shall comply with the registration laws and regulations governing his/her professional practice in any United States jurisdiction. An architect may be subject to disciplinary action if, based on grounds substantially similar to those which lead to disciplinary action in this jurisdiction, the architect is disciplined in any other United States jurisdiction.

NCARB Rule of Conducts:

- 4. COMPLIANCE WITH LAWS

- 4.4** An employer engaged in the practice of architecture shall not have been found by a court or an administrative tribunal to have violated any applicable federal or state law protecting the rights of persons working for the employer with respect to fair labor standards or with respect to maintaining a workplace free of discrimination. [States may choose instead to make specific reference to the "Federal Fair Labor Standards Act of 1938, as amended" and the "Equal Employment Opportunity Act of 1972, as amended" and to state laws of similar scope.] For purposes of this rule, any registered architect employed by a firm engaged in the practice of architecture who is in charge of the firm's architectural practice, either alone or with other architects, shall be deemed to have violated this rule if the firm has violated this rule.

NCARB Rule of Conducts:

- 5. PROFESSIONAL CONDUCT
 - 5.1 Each office engaged in the practice of architecture shall have an architect resident and regularly employed in that office.
 - 5.2 An architect may sign and seal technical submissions only if the technical submissions were: (i) prepared by the architect; (ii) prepared by persons under the architect's responsible control; (iii) prepared by another architect registered in the same jurisdiction if the signing and sealing architect has reviewed the other architect's work

NCARB Rule of Conducts:

- 5. PROFESSIONAL CONDUCT
 - 5.3 An architect shall neither offer nor make any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the architect is interested.
 - 5.4 An architect shall not engage in conduct involving fraud or wanton disregard of the rights of others.
 - 5.5 An architect shall not make misleading, deceptive, or false statements or claims.