

# The Ethics of Private Practice Consulting

*Planning Consultants &  
the AICPA Code of Ethics*

2015 PPD Webinar

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American Planning Association  
**Private Practice Division**

*Making Great Communities Happen*

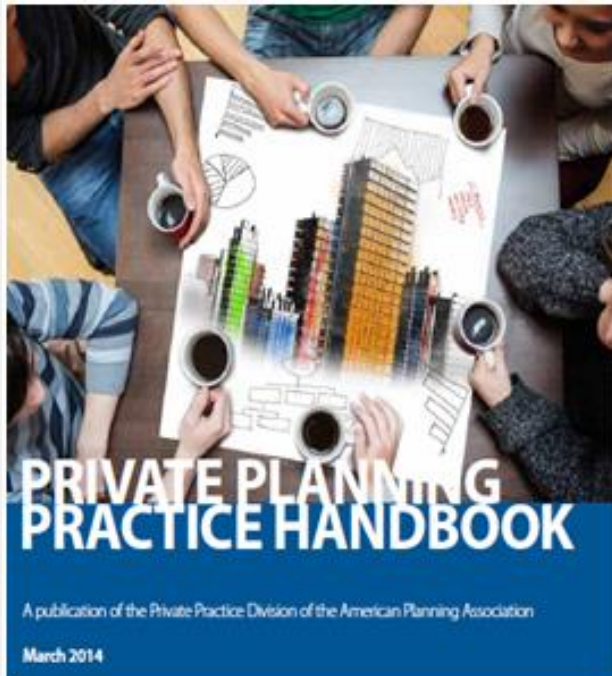
**APA's Private Practice Division** is dedicated to meeting the needs of private planning consultants. We offer our members access to valuable networking opportunities, business resources, current information on private practice planning, and technical support.

For more information, or to join as a division member:  
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# Private Planning Practice Handbook



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- 0 APA Private Practice Division has produced an outstanding 49-page handbook that will be of value to all private planning consultants.
- 0 The publication offers insightful information to both novice and seasoned planning consultants.
- 0 We are proud to offer this exciting publication to APA Private Practice Division members as a complimentary benefit.
- 0 For membership information:

<https://www.planning.org/divisions/privatepractice/>

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# Why Talk About Ethics?

- 0 Planners have a long history and experience with respect to ethics.
- 0 Ethics scenarios are rarely “cut and dry” and often contain a high level of nuance.
- 0 Ethics sessions should help develop reasoning and reflection skills that can be applied in every day situations.

# Why Focus On Ethics In Private Practice Planning?



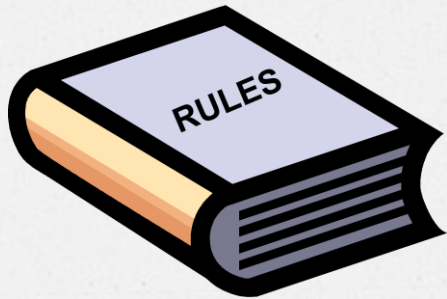
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- 0 How should private practice planners implement the principles in the AICP Code of Ethics and Professional Conduct?
- 0 How does the perspective for private consultants differ from those that public sector planners are likely to encounter?

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# Overview: the AICP Code of Ethics



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- 0 The AICP Code of Ethics describes planners' ethical responsibilities to the public, clients, employers, profession, and colleagues, as well as rules of conduct.
- 0 A code sets standards. A code embodies values, and those values define both a profession and the behavior of those who embrace it.

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# AICP Code of Ethics: Four Sections

- 0 **Section A:** Aspirational values and ideals.
- 0 **Section B:** A list of rules.
- 0 **Section C:** Procedures for handling code infractions
- 0 **Section D:** Planners Convicted Of Serious Crimes



# Now, What About You?

Multi-tasking?  
While I am listening  
to this Webcast, I am  
also:



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- A. Eating lunch
- B. Checking e-mails
- C. Talking on the phone
- D. All of the above
- E. No --- just listening!

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How long have you worked as a planner?



- A. More than 40 years
- B. 20-40 years
- C. 5-19 years
- D. Less than 5 years
- E. Currently a student

# What kind of planning do you do?

- A. Local government
- B. State/regional
- C. Private consultant
- D. Nonprofit
- E. Other





# Scenarios & Situations

What Would You Do?  
What Does the AICP Code Say?

# Scenario #1: Be My Guest

You are working on a week-long planning charrette in a popular resort community and one of the major local hotel owners arranges with the town to provide lodging and meals to your consulting team during the duration of the charrette. The charrette was focused on an area that includes the hotel, but wasn't the main focus of the project. Near the end of the charrette, the owner offers you a certificate for an all-expense paid weekend of your choice.



# What would you do?

- A. Accept the certificate and enjoy some well-deserved vacation time.
- B. Accept the certificate if no hotel property recommendations.
- C. Politely decline the certificate.
- D. Decline the certificate; discuss free lodging issue with your boss.

# Relevant Ethical Principles

## **Principle #1**

- b) We shall have special concern for the long-range consequences of present actions.
- c) We shall pay special attention to the interrelatedness of decisions.

## **Principle #2**

- c) We shall avoid a conflict of interest or even the appearance of a conflict of interest in accepting assignments from clients or employers.



# Relevant Ethical Rules of Conduct

5. We shall not, as public officials or employees; accept from anyone other than our public employer any compensation, commission, rebate, or other advantage that may be perceived as related to our public office or employment.
6. We shall not perform work on a project for a client or employer if, in addition to the agreed upon compensation from our client or employer, there is a possibility for direct personal or financial gain to us, our family members, or persons living in our household, unless our client or employer, after full written disclosure from us, consents in writing to the arrangement.

## What Would You Do? (*Round 2*)

- A. Accept the certificate and enjoy some well-deserved vacation time.
- B. Accept the certificate if no hotel property recommendations.
- C. Politely decline the certificate.
- D. Decline the certificate; discuss free lodging issue with your boss.



## Scenario #2: Client Priorities & the Public Interest

A client hires your planning firm to develop a master plan for redevelopment and revitalization of a modest-sized area. Residents are low- and moderate-income, 55% African American and 35% Latino households. Tasks include creating a public involvement plan and conducting community outreach with meaningful public involvement. The consultant creates a plan to get feedback from community members on the project goals, potential programming, and general feedback on concepts that are designed throughout the process.

The client implements the tasks in the public involvement plan with the least potential for controversy: posting information on the web and at the library, collaborating with other professionals, and asking a couple of prominent business owners in the redevelopment area for their opinions. However, the client never creates an opportunity for other community members to actively participate in decisions and changes in their neighborhood.



The client directs the consultant to complete other tasks in the master plan. Consultant tries to express presumed public interests in the master plan and continues to mention the need for community engagement and involvement. Client maintains that they have done all the engagement the city has the capacity to undertake. The community will be notified of public hearings as part of the eventual review by the planning commission. Residents and nearby businesses aren't particularly tuned into city proceedings. The client explicitly tells consultant that the rest of the scope and budget for public involvement will not be used.

# What would you do?

- A. Complete the contracted scope of work as directed by the client.
- B. Complete scope as directed but document client's directives.
- C. Give 30-day termination notice without meaningful scope changes.



# Relevant Ethical Principles

## **Principle #1**

d) We shall provide timely, adequate, clear, and accurate information on planning issues to all affected persons and to governmental decision makers.

e) We shall give people the opportunity to have a meaningful impact on the development of plans and programs that may affect them. Participation should be broad enough to include those who lack formal organization or influence.

# Relevant Ethical Principles

## **Principle #1**

f) We shall seek social justice by working to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of the disadvantaged and to promote racial and economic integration. We shall urge the alteration of policies, institutions, and decisions that oppose such needs.



# Relevant Ethical Principles

## **Principle #2**

b) We shall accept the decisions of our client or employer concerning the objectives and nature of the professional services we perform unless the course of action is illegal or plainly

inconsistent with our primary obligation to the public interest.

# Relevant Ethical Rules of Conduct

1. We shall not deliberately or with reckless indifference fail to provide adequate, timely, clear and accurate information on planning issues.
2. We shall not accept an assignment from a client or employer when the services to be performed involve conduct that we know to be illegal or in violation of these rules.



## What Would You Do? (*Round 2*)

- A. Complete the contracted scope of work as directed by the client.
- B. Complete scope as directed but document client's directives.
- C. Give 30-day termination notice without meaningful scope changes.

# Scenario #3: One Firm, Many Roles

Your firm is working on a private development within the same township that it represents as municipal planner. Two different staff members are working on each project, but they are both from the same firm. What should guide the professional relationship of the two staff members?



# What Would You Recommend?

- A. Trust municipal consultant to effectively review project plans.
- B. Hire an outside consultant to review project plans.
- C. Depends on the size of the municipality and size of the firm.

# Relevant Ethical Principles

## **Principle #1**

c) We shall pay special attention to the interrelatedness of decisions.



# Relevant Ethical Principles

## **Principle #2**

a) We shall exercise independent professional judgment on behalf of our clients and employers.

# Relevant Ethical Rules of Conduct

19. We shall not fail to disclose the interests of our client or employer when participating in the planning process. Nor shall we participate in an effort to conceal the true interests of our client or employer.



# What Would You Recommend? *(Round 2)*

- A. Trust municipal consultant to effectively review project plans.
- B. Hire an outside consultant to review project plans.
- C. Depends on the size of the municipality and size of the firm.

# Audience Questions

What Are Your Scenarios and Situations?



# Contacts



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## Scenario #4: EIS Data Issues

You are working on a land use plan for a city that has just approved a special use permit for the expansion of the largest employer in the community. The special use permit was issued only after an environmental impact statement determined that the expansion of this industry would not cause significant impact. While working on your project, however, you notice significant discrepancies in the EIS data. While not necessarily the main focus of your project, you don't think that the community received an accurate accounting of the impacts.

If you're right, and the EIS was inaccurate, such a finding could halt the expansion of the industry, which employs thousands of workers. Without the expansion, the industry may need to move to remain competitive. To complicate matters, a neighborhood group vigorously protested the expansion due to their perception of the negative impacts of the project, and you think they might have been right.



# What would you do?

- A. It's not your problem; you weren't involved with the EIS.
- B. Report the discrepancies privately to the City.
- C. Make the findings public; give all parties access to the new data.

# Relevant Ethical Principles

## **Principle #1**

### **Our Overall Responsibility to the Public**

d) We shall provide timely, adequate, clear, and accurate information on planning issues to all affected persons and to governmental decision makers.



# Relevant Ethical Principles

## **Principle #2**

### **Our Responsibility to Clients and Employers**

a) We shall exercise independent professional judgment on behalf of our clients and employers.

# Relevant Ethical Principles

## **Principle #3**

### **Our Responsibility to Our Profession and Colleagues**

a) We shall protect and enhance the integrity of our profession.



# Relevant Ethical Rules of Conduct

1. We shall not deliberately or with reckless indifference fail to provide adequate, timely, clear and accurate information on planning issues.

10. We shall neither deliberately, nor with reckless indifference, misrepresent the qualifications, views and findings of other professionals.

# What would you do? (*Round 2*)

- A. It's not your problem; you weren't involved with the EIS.
- B. Report the discrepancies privately to the City.
- C. Make the findings public; give all parties access to the new data.



What would you do? (1 v 2)