



## Accurately Claiming Credit For Design Work; Recognizing The Professional Contributions Of Business Associates

### Questions

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**Q1:** *Did an architect act unethically in failing to credit the interior design firm that worked with the architect as a consultant on numerous projects?*

**Q2:** *Did an architect act unethically in representing interior design work on certain projects as solely that of the architect's firm?*

### Reference

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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.

**Commentary:** *This rule is meant to prevent Members from claiming credit for work which they did not do, misleading others, and denying other participants in a project their proper share of 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.

*Rules of Enactment, Application, Enforcement and Amendment, Article II, Application*

The Code of Ethics and Professional Conduct applies to the professional activities of all Members, Associate Members, and Members Emeritus of the AIA.

### Facts

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An architect's firm had a long history of working with a particular interior design firm.

The president of the interior design firm had at one point been an employee of the architect's firm. The architect and the interior designer had joined forces to form a separate interior design firm with its own name, headed by the interior designer. The two firms worked together on a number of projects, often as a result of the architect's firm hiring the interior design firm as its consultant. The interior design firm also worked on other projects for which it had competed under its own name. Over the years the interior designer continued to purchase stock in the interior design firm until he became the sole owner. Even after that point, the two firms continued to work together on a number of projects.

The architect's firm made a business decision to pursue more interior design work and stopped hiring the interior design firm as its



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consultant. The architect's firm offered positions to several of the senior employees of the interior design firm, which they accepted. The architect's firm began to compete for interiors work with the interior design firm. Often the two firms were short-listed for the same project. It was on one of those occasions that the interior designer learned that the architect's firm was presenting to potential clients display boards of work that the two firms had done together, but representing the work as solely that of the architect's firm.

The architect admitted doing so, but denied that the Code of Ethics and Professional Conduct had been violated for the following reasons:

- Because the architect's firm was a stockholder, and for a period of time the major stockholder, in the interior design firm, it was entitled to represent the work done by the interior design firm as its own. The fact that there were two separate firms with different names was a mere, legal technicality.
- The interior design firm was entitled to no credit because its contribution to projects was minimal and limited to selecting paint, wall coverings, and upholstery fabrics.

The interior design firm, of course, disagreed with the architect's defense. The architect was unable to show only minimal contribution by the interior design firm. It was clear that there had been a team approach to the interiors work being shown. While that team was headed by an architect in the architecture firm, there was no way to clearly discern what work or decisions were those of the architect and which were those of the interior design firm.

## **Discussion**

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This case is a most relevant example of how the three tiers of the Code of Ethics and Professional Conduct are to be applied in practice. The Canons and Ethical Standards are broad, aspirational statements. They represent the highest level toward which Members should aspire in their professional activities. The Rules of Conduct represent the floor below which a Member's actions may not fall. Should they fall below that level, discipline by the National Judicial Council would be appropriate.

Members should embrace the spirit and letter of the Code in governing their professional affairs. They should pursue their professional activities with honesty and fairness, and respect for the rights of others. The goal should be compliance with the highest standards advocated by the entire Code of Ethics and Professional Conduct, not minimal compliance designed to barely avoid being in violation of a Rule of Conduct--even though only minimal compliance is needed to establish ethical behavior.

When the architect's firm took credit for interior design work done by the interior design firm, it was not accurately representing "...the scope and nature of [its] responsibilities in connection with [that] work...." as required by R. 4.107. The architecture firm did not do the interiors work. The team was under the direct supervision of an architect who was employed by the architecture firm. The architecture firm did some of the work. The interior design firm, a separate business entity with a different name, did some of the work. Sometimes the two firms worked so closely together on a project that it was impossible to dissect who did what or who made critical



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decisions. The fact that the architecture firm was a major stockholder in the interior design firm is irrelevant. A reputation was being built for interiors work by a firm with a different name, but connected to the architect's firm by ownership and/or team organization. That firm also did projects on which the architect's firm did not work and continued to do so after the two firms stopped working together. The *Commentary* to R. 4.107 could not be more clear. The Rule is meant to prevent just the activity in which the architect's firm was engaged--claiming sole credit for work done in collaboration with another firm and denying that person or entity its proper share of credit.

The interior designer was clearly a business associate of the architect. Even when the architect's firm was a major stockholder in the interior design firm, the latter had its own employees and separate business structure. Work was done under a consultant's contract with the architect's firm or under a separate contract with the same client. By permitting his firm to claim the work of the interior design firm solely as its own, the architect failed to "...recognize and respect the professional contributions of...[a] business associate. The architect's firm was entitled to claim only partial credit for the work done in conjunction with the interior design firm.

## **Conclusion**

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**Q1.** Yes. The architect violated R. 4.107 by misrepresenting the interior design work done by the interior design firm and the architect's firm together as its own.

**Q2.** Yes. The architect violated R. 5.201 by failing to recognize the professional contributions of a business associate.

*Note: This opinion is based on data submitted to the National Judicial Council and does not necessarily include all the facts that would be pertinent in another specific case. This opinion is for information purposes only and should not be construed as expressing any opinion on the ethics of specific individuals.*

**December 11, 1993**