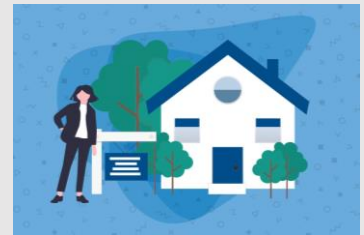


# Planning Ethics: What's New in 2022 and Perspectives for Public and Private Sector Planners



**Adapted From:**

**Ethics Cases of the Year 2021 and 2022-23 by The Ethics Committee of the American Institute of Certified Planners**

**Presented at:**

**PA Chapter of APA 2022 Annual Planning Conference, Lancaster, PA,  
October 2, 2022**

# Panelists

**PA Chapter of APA  
Professional Development  
Committee Members:**

- **Alexis Williams, AICP, PP**
- **Steve Thomas, AICP**
- **Scott Duncanson, AICP, LEED Green Associate, ENV SP**



# Agenda

## Refresher on Planning Ethics

## Ethics Code Update

## Ethical Scenarios

1. Emails/Social Media
2. Plagiarism
3. Equity and Inclusion
4. Planning Competence
5. Misrepresenting Public Views
6. Conflict of Interest
7. Planner/Real Estate Agent



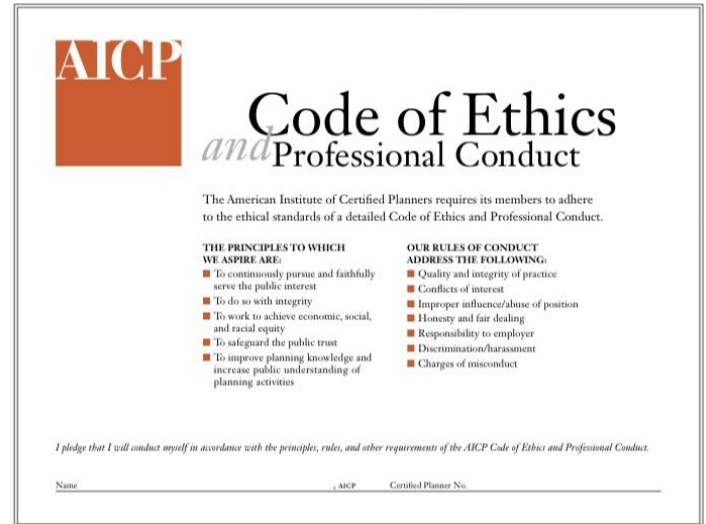
The Compliance and Ethics Blog

# Disclaimer

This session has been created to provide general education regarding the *AICP Code of Ethics*.

Although ethical scenarios and question-and-answer sessions are an important part of illustrating the application of the Code's provisions, all certified planners should be aware that only the AICP Ethics Committee is authorized to give formal advice on the propriety of a planner's proposed conduct.

If you have a question regarding a situation in your own professional practice, you are encouraged to seek informal advice from the AICP Ethics Officer (ph: 312-786-6360; email: [ethics@planning.org](mailto:ethics@planning.org)).



**This AICP Ethics Code certificate is available for downloading from [planning.org/ethics](http://planning.org/ethics).**

# A Few Ethical Questions

As posed by Michael Schur, creator of "The Good Place" TV series

- What are we doing?
- Why are we doing it?
- Is there something we could do that's better?
- Why is it better?





Join Log In



Home > AICP > Ethics in Planning >

## Ethical Principles in Planning

(As Adopted by the APA Board, May 1992)

This statement is a guide to ethical conduct for all who participate in the process of planning as advisors, advocates, and decision makers. It presents a set of principles to be held in common by certified planners, other practicing planners, appointed and elected officials, and others who participate in the process of planning.

# APA's Ethical Principles in Planning

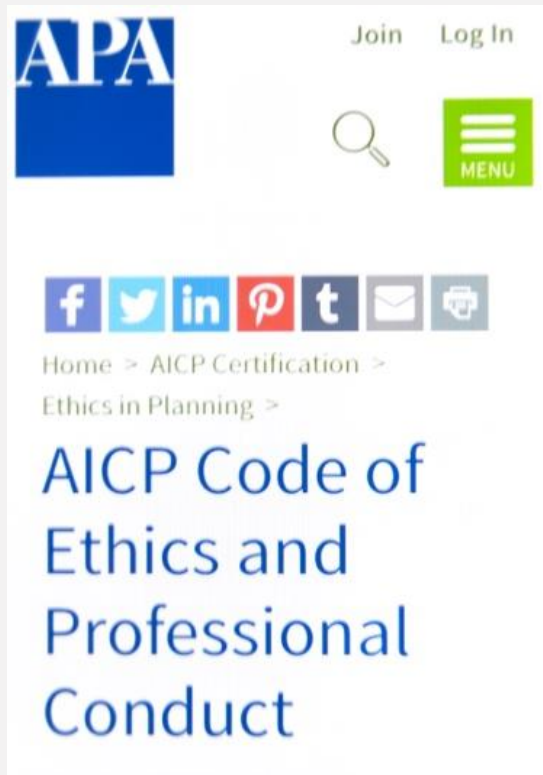
Adopted in 1980 by the American Planning Association; rev. 1992

*Guidelines for advisors, advocates, and decision makers in the planning process*

- 1. Serve the public interest**
- 2. Maintain high standards of integrity and proficiency**
- 3. Improve planning competence**

**GRAB YOUR PHONE. GO TO:**

[www.planning.org/ethics/ethicscode](http://www.planning.org/ethics/ethicscode)



# AICP Ethics Code

Adopted in 1948 by the American Institute of Planners; rev. 1959, 1970, 1978, 1991, 2005, 2016, 2022

## A. Aspirational Principles

## B. Rules of Conduct

## C. Advisory Opinions

## D. Complaints of Misconduct

## E. Discipline of Members

# Key Aspects of the Code Update (2022)

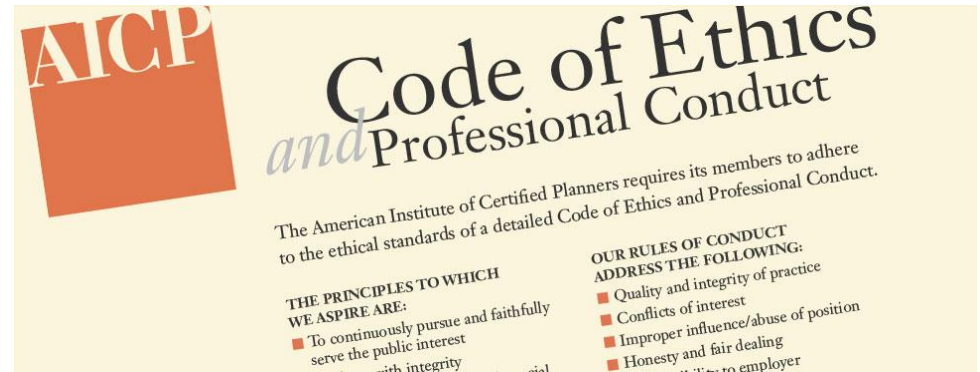
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## A. Aspirational Principles

- Organization
- Cultural biases
- Equity foundation of plans
- Promoting ethics

## B. Rules of Conduct

- Organization
- Discrimination/Harassment
- Ethics investigations
- Claiming credit



Prior Headings  
**Aspirational  
Principles**

Section A  
of the *AICP Ethics Code*

Our Overall Responsibility  
to the Public

Our Responsibility to Our  
Clients and Employers

Our Responsibility to Our  
Profession and Colleagues

New Headings  
**Aspirational  
Principles**

Section A  
*of the AICP Ethics Code*

**People who participate in the planning process shall:**

1. Continuously pursue and faithfully serve the public interest
2. Do so with integrity
3. Work to achieve economic, social, and racial equity
4. Safeguard the public trust
5. Improve planning knowledge and increase public understanding of planning activities

# New Headings Rules of Conduct

Section B  
of the *AICP Ethics Code*

**The 24 Rules of Conduct—to which certified planners can be held accountable—have been revised (down from 26 Rules) and reorganized under these headings:**

1. Quality and Integrity of Practice
2. Conflict of Interest
3. Improper Influence/Abuse of Position
4. Honesty and Fair Dealing
5. Responsibility to Employer
6. Discrimination/Harassment
7. Bringing and Cooperating with an Ethics Charge

# Revision to Adjudication of Complaints of Misconduct

Section D  
of the *AICP Ethics Code*

## **D6a: Only current members of AICP may appeal a determination of the Ethics Officer.**

This revision eliminates the ability of non-members to contest ethics rulings through a time-consuming appeal process.

However, non-AICP members can still file an appeal by having an AICP member do so on their behalf.

# Ethical Misconduct Cases in 2021

## 18 Cases Dismissed

No justification to file a charge (13 cases); Preliminary charge filed (5 cases).

## Six (6) Cases Resulted in Disciplinary Actions

**Confidential Letters of Admonition (two cases)** for “wrongful conduct:” 1) for plagiarism (FAICP) and 2) for sexual harassment .

**Public Letter of Admonition** for “misstating facts” and “using others’ efforts to seek professional recognition.” (FAICP)

**Indefinite Suspension** (of AICP credential) for a repeat offense of “wrongful conduct,” this time involving text messages containing derogatory comments about a city council member.

**Revocation** (of AICP credential) for working two public jobs simultaneously—without having notified either employer.

**Permanent Revocation** (of AICP and FAICP credentials) for continuing to use credentials after they were revoked in 2017 for the conviction of a “serious crime.”



Nccaom.org

# Ethics Topics in 2021

Based on misconduct cases and informal inquiries



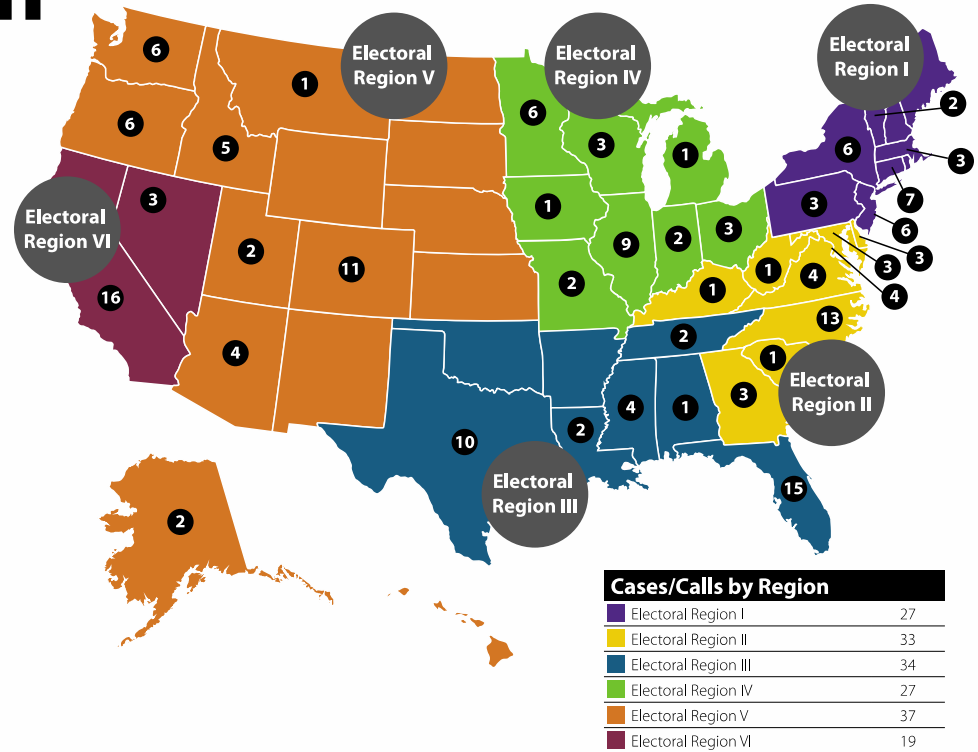
# Cases of the Year

## Ethics Cases/Calls (2021)—By States/Regions

(Note: If a state is not listed, it had no cases/calls in 2021)

The following cases were based on misconduct complaints or informal inquiries reviewed by the Ethics Officer and the Ethics Committee in 2021.

Although the scenarios are based on real-life situations, all of the names, details, and locations are fictional.



# Cast of Characters



**Joyce, AICP**  
Staff Planner



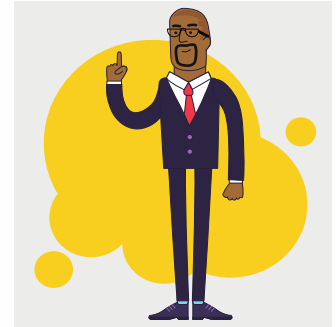
**Jane, AICP**  
Planning Director



**Peter, AICP**  
Consultant



**Odilia, AICP candidate**  
Planning Intern



**Sam**  
City Manager



**Beverly, AICP**  
Consultant



**Norm, AICP**  
Public Planner

# Scenario 1

## Emails/Social Media (2021)

Norm, AICP, is planning director of Levintown. At a contentious public meeting, a resident opposes a school expansion project, citing inadequate water service.



Norm

The next day, a contractor applies for a pool permit for Fenn Estates, where the resident lives. Norm responds to the contractor on his city email and uses a derogatory term for the resident. He copies several city officials and the resident on the email.



Alicia Fabbre, Daily Southtown

## Scenario 1 (contd.)

Later that evening, in a post on his personal Facebook page (under a pseudonym), Norm uses another obscene phrase to describe the same resident.

The next morning, realizing what he had done, Norm makes several attempts to erase both the social media post and the emails.



Jim Meisner, Jr.



Sheep Boutique

# Scenario 1

## Questions

**Q 1.1:**

**Has Norm violated the *AICP Ethics Code* in his actions?**

- a) Yes
- b) No
- c) Not Sure



## Code of Ethics *and* Professional Conduct

<p>The American Institute of Certified Planners requires its members to adhere to the ethical standards of a detailed Code of Ethics and Professional Conduct.</p> <p>The principles of the Code are organized under the following headings:</p>	<p><b>THE PLANNER'S RESPONSIBILITY TO THE PUBLIC</b> A planner's primary obligation is to serve the public interest. A planner owes allegiance to a concept of the public interest that is formulated through continuous and open debate.</p> <p><b>THE PLANNER'S RESPONSIBILITY TO CLIENTS AND EMPLOYERS</b> A planner owes diligent, creative, and competent performance of work in pursuit of the client's or employer's interest. Such performance should be consistent with the planner's faithful service to the public interest.</p> <p><b>THE PLANNER'S RESPONSIBILITY TO THE PROFESSION AND TO COLLEAGUES</b> A planner should contribute to the development of the profession by imparting knowledge and techniques, making work relevant to solutions of community problems, and increasing public understanding of planning activities.</p>
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*I pledge that I will conduct myself in accordance with the principles, rules, and other requirements of the AICP Code of Ethics and Professional Conduct.*

Name	Credential	Certified Planner No.
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# Scenario 1

## Ethical Issues

### ***AICP Ethics Code “Aspirational Principles”***

**1b:** We shall have special concern for the **long-range consequences** of present actions.

**1h:** We shall **deal fairly** with all participants in the planning process.

**3a:** We shall **protect and enhance the integrity** of our profession.

**3c:** We shall describe and comment on the work and views of other professionals in a **fair and professional manner**.

### ***AICP Ethics Code “Rules of Conduct”***

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

**Rule 25:** We shall neither deliberately, nor with reckless indifference, commit any **wrongful act**, whether or not specified in the Rules, that **reflects adversely on our professional fitness**.

# Scenario 1

## Outcomes

In the real-life case on which this scenario was based, the AICP Ethics Committee ruled that Norm had committed “wrongful acts” that reflected adversely on his professional fitness (Rule 25).

Norm’s **AICP certification was suspended for one year**, during which time he was directed to meet (i.e., professionally mentor) with a retired FAICP member who lives in the area.



## Scenario 2

# Plagiarism (2021)

Beverly, AICP, a planning consultant, has been hired to prepare a hazard mitigation plan for Greene County, as required by state law.

As part of her research, Beverly finds a plan for Loraine County, a jurisdiction facing similar issues. She decides to use the text of that plan—which she did not write—for the initial draft of the Greene County plan.



Beverly



## Scenario 2 (contd.)

After making a few revisions, Beverly and the county supervisor submit the draft plan to the plan commission.

However, neither Beverly nor the supervisor inform the members of the plan commission—either verbally or in writing—that their draft is largely based on another county’s plan.

After several working meetings, the plan commission forwards the revised plan to the county board for adoption.



DispatchLIVE

## Scenario 2 (contd.)

At the next county board meeting, a resident makes a charge of plagiarism, noting that nearly half of the Greene County plan is a word-for-word copy of the Loraine County plan.

Beverly and the board chair defend the plan, noting that copying from other public documents is “standard planning practice.” However, several Plan Commission members complain they weren’t informed about the copied document.





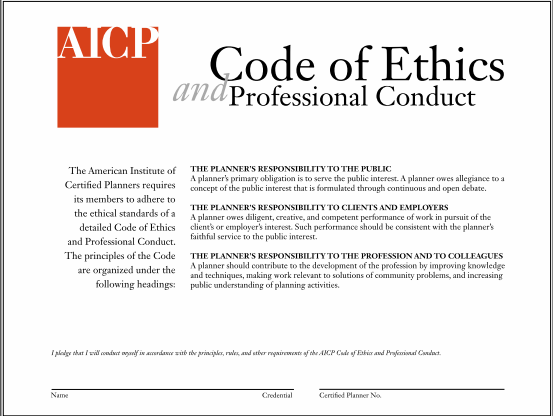
# Scenario 2

## Questions

Q 2.2:

Has Beverly violated the *AICP Ethics Code*?

- a) Yes
- b) No
- c) Not Sure



The document is the AICP Code of Ethics and Professional Conduct. It features the AICP logo (a red square with 'AICP' in white) and the title 'Code of Ethics and Professional Conduct'. The text is organized into sections: 'THE AMERICAN INSTITUTE OF CERTIFIED PLANNERS', 'THE PLANNER'S RESPONSIBILITY TO THE PUBLIC', 'THE PLANNER'S RESPONSIBILITY TO CLIENTS AND EMPLOYERS', and 'THE PLANNER'S RESPONSIBILITY TO THE PROFESSION AND TO COLLEAGUES'. At the bottom, there is a pledge statement and three lines for 'Name', 'Credential', and 'Certified Planner No.'.

**AICP** Code of Ethics and Professional Conduct

The American Institute of Certified Planners requires its members to adhere to the ethical standards of a detailed Code of Ethics and Professional Conduct. The principles of the Code are organized under the following headings:

**THE PLANNER'S RESPONSIBILITY TO THE PUBLIC**  
A planner's primary obligation is to serve the public interest. A planner owes allegiance to a concept of the public interest that is formulated through continuous and open debate.

**THE PLANNER'S RESPONSIBILITY TO CLIENTS AND EMPLOYERS**  
A planner owes diligent, creative, and competent performance of work in pursuit of the client's or employer's interest. Such performance should be consistent with the planner's faithful service to the public interest.

**THE PLANNER'S RESPONSIBILITY TO THE PROFESSION AND TO COLLEAGUES**  
A planner should contribute to the development of the profession by improving knowledge and techniques, making work relevant to solutions of community problems, and increasing public understanding of planning activities.

*I pledge that I will conduct myself in accordance with the principles, rules, and other requirements of the AICP Code of Ethics and Professional Conduct.*

\_\_\_\_\_  
Name

\_\_\_\_\_  
Credential

\_\_\_\_\_  
Certified Planner No.

## Scenario 2

# Ethical Issues

### ***AICP Ethics Code “Aspirational Principles”***

**2a:** We shall exercise **independent professional judgment** on behalf of our clients and employers.

**3a:** We shall protect and enhance the **integrity** of our profession.

**3e:** We shall...not accept the **applicability of a customary solution** without first establishing its appropriateness to the situation.

### ***AICP Ethics Code “Rules of Conduct”***

**Rule 17:** We shall not use the product of others’ efforts **to seek professional recognition or acclaim** intended for producers of original work.

**Rule 25:** We shall neither deliberately, nor with reckless indifference, commit any **wrongful act**, whether or not specified in the Rules, that **reflects adversely on our professional fitness**.

## Scenario 2

# Outcomes

In the real-life case, on which this scenario was based, the AICP Ethics Officer felt Beverly should not have copied the text from the other county's plan without 1) referencing it or 2) disclosing it to the plan commission.

Although Beverly had not sought “acclaim” for another’s work (Rule 17), she had committed a “wrongful act” reflecting adversely on her “professional fitness” (Rule 25).

Beverly received a **Confidential Letter of Admonition**.



Beverly



# Scenario 3

## Equity and Inclusion

Jane, AICP, Jacobson County's planning director, learns that a member of the County Board (non-AICP) has been lobbying members of the County Plan Commission to delete equity/inclusion portions of its new draft Comprehensive Plan—before it is submitted to the County Board for approval.

The County Board Member apparently doesn't want to make these comments in a public meeting.



Jane, AICP

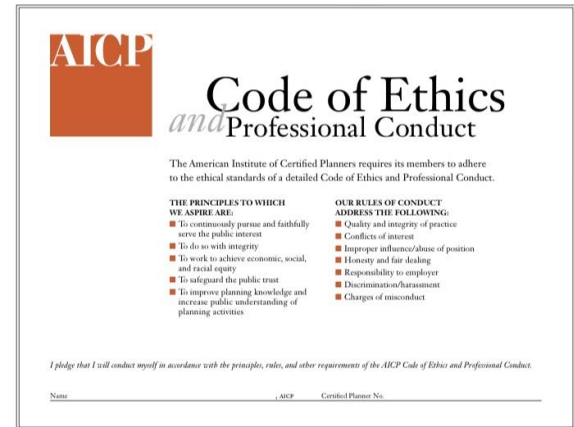


# Scenario 3 Questions

## Q 3.1:

**Does Jane have an ethical obligation to tell her supervisor what she's heard?**

- a) Yes
- b) No
- c) Not Sure



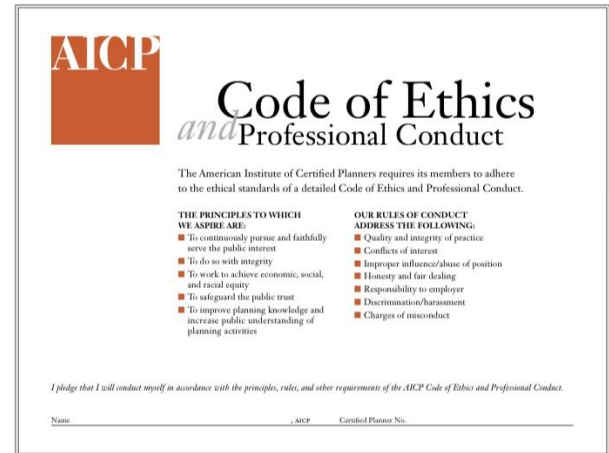
# Scenario 3

## Questions

### Q 3.2:

**If her supervisor does nothing, does Jane have an ethical obligation to do something else about this?**

- a) Yes
- b) No
- c) Not Sure



# Scenario 3

## Ethical Issues

### *APA's "Ethical Principles in Planning"*

**A3:** Strive to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of disadvantaged groups and persons.

### *AICP Ethics Code's "Aspirational Principles"*

**Preamble:** All those who participate in planning should commit themselves to making ethical judgments in the public interest balancing the many competing agendas with careful consideration of the fact and context, informed by continuous open debate.

**1e:** Incorporate equity principles and strategies as the foundation for preparing plans and implementation programs...

**3a:** Create plans that ensure equitable access to resources and opportunities....

**4d:** Serve as advocates for the public or private sector only when the client's objectives are legal and consistent with the public interest.

## Scenario 3

# Ethical Issues (contd.)

### ***AICP Ethics Code “Rules of Conduct”***

**Rule 9:** As public officials or public employees, we shall not engage in private communications with planning process participants if the discussions relate to a matter over which we have authority to make a binding, final determination.

**Rule 10:** We shall not engage in private communications with decision makers in the planning process in any manner prohibited by law or by agency rules, procedures, or customs.

## Scenario 3

# Real-Life Outcome

After Jane requests informal advice, the AICP Ethics Officer suggests that she should discuss this matter with: 1) her supervisor (the county administrator) and 2) the chair of the county plan commission, as this lobbying activity could be a violation of state or local laws.

The *ICMA Code of Ethics*, which would govern the county administrator, has language addressing this issue (“Tenet 4” re: Inclusion). Furthermore, although none of the Plan Commission members are AICP members, APA’s “Ethical Principles in Planning” would apply to those “who participate in the process of planning as advisors, advocates, and decision makers.”



Jane, AICP



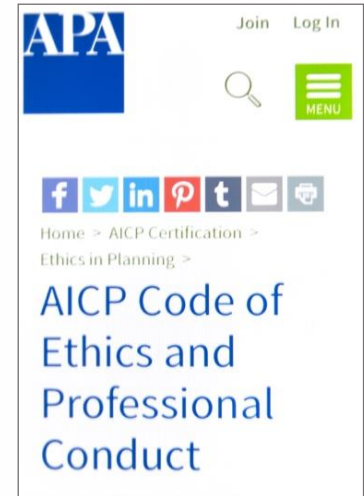
## Scenario 3

# Impact of the New Code

Several “Aspirational Principles” have been added to the *AICP Ethics Code* to better address issues involving “equity and inclusion.” For instance:

**Principle 1e:** “Incorporate equity principles and strategies as the foundation for preparing plans and implementation programs....”

**Principle 3:** “People who participate in the planning process shall work to achieve economic, social, and racial equity.”



## Scenario 4

# Planning Competence

Odilia, a recent graduate and an AICP candidate, is a planning intern with the City of Suarez. Two months ago, her supervisor, the planning director, resigned.

Since then, at the direction of her city manager, Odilia has taken on most of the planning director's responsibilities, including site plan review. Odilia tells the city manager, however, that site plan review is "way beyond my level of training and experience."



Odilia, AICP candidate



Ryan Scherzinger, AICP; APA Image Library

## Scenario 4 (contd.)

Despite Odilia's protestations, Sam tells Odilia that he has been very satisfied with her work.

However, Odilia, is concerned that she may be violating one of the Rules of Conduct (#3) in the *AICP Ethics Code*, which states that "we shall not accept work beyond our professional competence." She is worried this could affect her chances of becoming AICP.



DNE Singapore

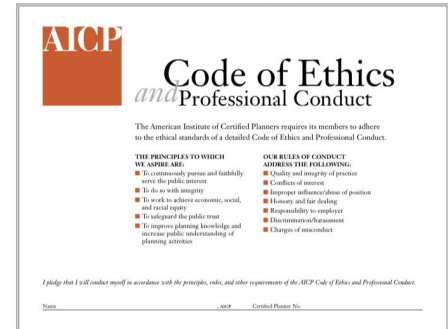
# Scenario 4

## Questions

### Q 4.1:

Is Odilia guilty of ethical misconduct?

- a) Yes
- b) No
- c) Not Sure



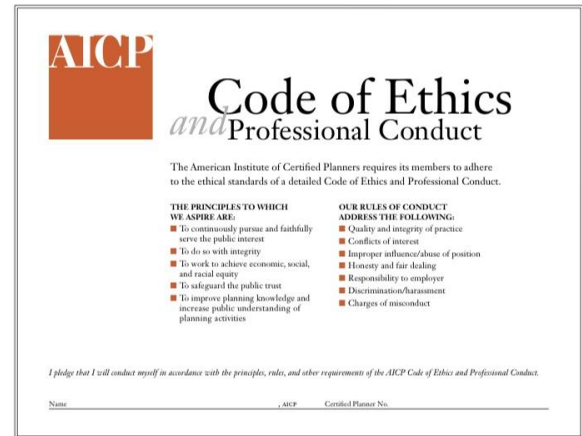
# Scenario 4

## Questions (contd.)

### Q 4.2:

**Could a Code violation impact Odilia's potential AICP certification, even though she is just an AICP candidate?**

- a) Yes
- b) No
- c) Not Sure



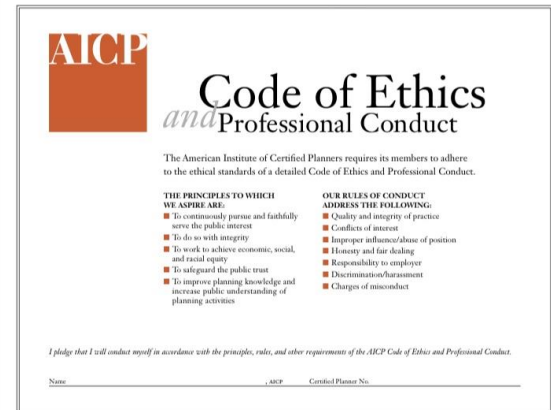
# Scenario 4

## Questions (contd.)

### Q 4.3:

**Should Odilia tell her supervisor that someone else needs to be hired to perform some of her planning tasks?**

- a) Yes
- b) No
- c) Not Sure



# Scenario 4

## Ethical Issues

### *APA's "Ethical Principles in Planning"*

**B12:** Not participate in any matter unless adequately prepared and sufficiently capacitated to render thorough and diligent service.

**C5:** Accurately represent their qualifications to practice planning as well as their education and affiliations.

### *AICP Ethics Code's "Aspirational Principles"*

**4b:** Exercise fair, honest, skilled, informed, and independent professional judgement.

**4d:** Serve as advocates for the public or private sector only when the client's objectives are legal and consistent with the public interest.

**4h:** Do not participate in any matter unless adequately prepared and able to render thorough and diligent services.

## Scenario 4

# Ethical Issues (contd.)

When preparing to take the AICP exam, an AICP Candidate agrees that they will abide by the *AICP Code of Ethics*. – [planning.org/ethics](https://www.planning.org/ethics)

### ***AICP Ethics Code's "Rules of Conduct"***

**Rule 1:** We shall not deliberately fail to provide adequate, timely, clear and accurate information on planning issues.

**Rule 3:** We shall not accept work beyond our professional competence, but may with the understanding and agreement of the client or employer, accept such work to be performed under the direction of another professional competent to perform the work and acceptable to the client or employer.

## Scenario 4

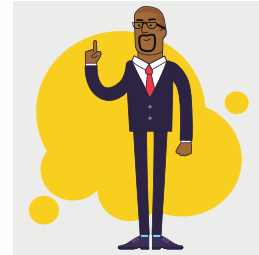
# Real-Life Outcome

The AICP Ethics Officer advises Odilia that, based on her background and the city manager’s oversight, she does not appear to have violated the *AICP Ethics Code*. However, the Ethics Officer suggests that Odilia should urge her supervisor, Sam, to hire a replacement planning director (or temporary consultant) as soon as possible.

In the meantime, Odilia should contact her APA Chapter (or “APA Learn”) about potential site plan review courses and, possibly, finding an experienced professional mentor.



Odilia, AICP candidate



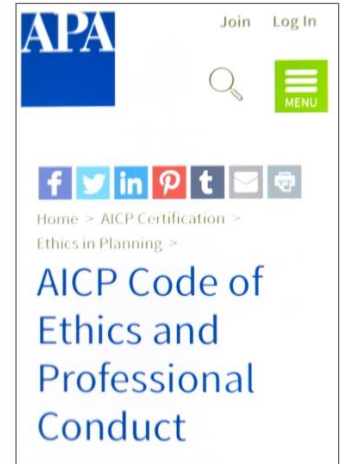
Sam

## Scenario 4

# Impact of the New Code

**Old Rule of Conduct #15:** We shall not accept work beyond our professional competence unless the client or employer understands and agrees that **such work will be performed by another professional** competent to perform the work and acceptable to the client or employer.

**New Rule of Conduct #3:** We shall not accept work beyond our professional competence, but may with the understanding and agreement of the client or employer, **accept such work to be performed under the direction of another professional** competent to perform the work and acceptable to the client or employer.



## Scenario 5

# Misrepresenting Public Views

Joyce, AICP, is a staff planner with Whitley County. Recently, a summary of the public engagement process for a new county land use plan was released.

After reviewing the summary, which was prepared by her supervisor, Joyce doesn't believe it accurately represents many of the issues raised by residents in a series of focus groups and community meetings that were part of the planning process.



Joyce AICP



Alicia Fabbre, Daily Southtown

## Scenario 5 (contd.)

Joyce discusses this situation with other staff planners (some of whom are AICP members), as well as her supervisor, who is *not* AICP.

But virtually everyone tells Joyce to forget it, especially given the county's volatile partisan politics. In fact, her supervisor tells her directly: "This is not a fight worth fighting."

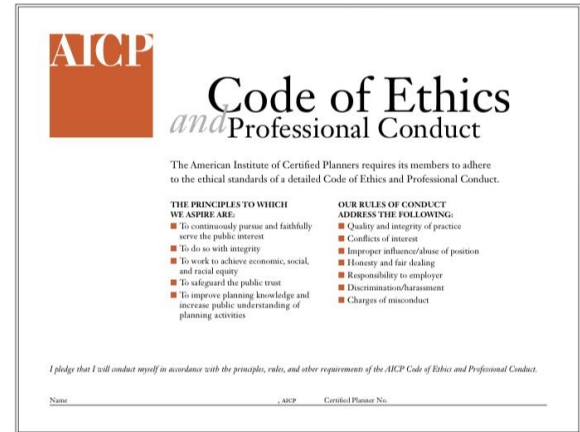


# Scenario 5 Questions

## Q 5.1:

**Does Joyce have an ethical obligation, under the *AICP Ethics Code*, to do something further regarding this issue?**

- a) Yes
- b) No
- c) Not Sure



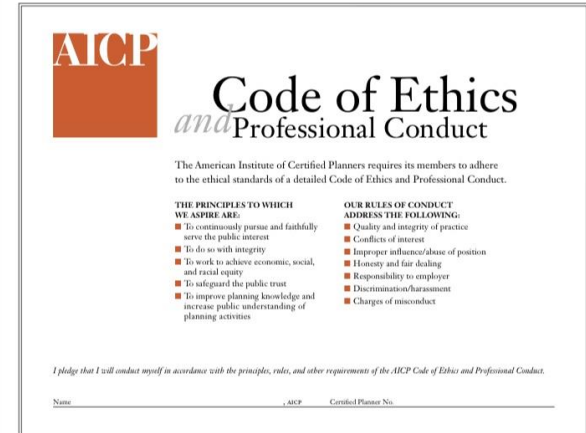
# Scenario 5

## Questions (contd.)

### Q 5.2:

Is Joyce's supervisor guilty of violating the *AICP Ethics Code*?

- a) Yes
- b) No
- c) Not Sure



# Scenario 5

## Ethical Issues

### *APA's "Ethical Principles in Planning"*

**A1:** Recognize the rights of citizens to participate in planning decisions.

**B11:** Not misrepresent facts or distort information for the purpose of achieving a desired outcome.

### *AICP Ethics Code's "Aspirational Principles"*

**1f:** Systematically and critically analyze ethical issues in the practice of planning....holding individuals and organizations accountable for their conduct.

**2a:** Provide timely, adequate, clear, accessible, and accurate information on planning issues to all affected persons, to governmental bodies, to the public, to clients and to decision makers.

**2b:** Facilitate the exchange of ideas and ensure that people have the opportunity for meaningful, timely, and informed participation in the development of plans and programs that affect them.

**3a:** Create plans that ensure equitable access to resources and opportunities....

**4d:** Serve as advocates for the public or private sector only when the client's objectives are legal and consistent with the public interest.

**4k:** Expose corruption wherever discovered.

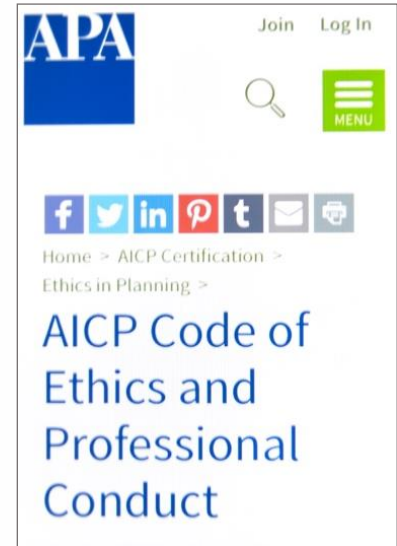
## Scenario 5

# Ethical Issues (contd.)

### ***AICP Ethics Code “Rules of Conduct”***

**Rule 1:** We shall not deliberately fail to provide adequate, timely, clear, and accurate information on planning issues.

**Rule 5:** We shall not direct or pressure other professionals to make analyses or reach findings not supported by available evidence.



## Scenario 5

# Real-Life Outcome

After contacting the AICP Ethics Officer for informal advice, the Ethics Officer tells Joyce that she has fulfilled part of her ethical obligation by informing her supervisor of her concerns. However, it would be even better if she provided her concerns in writing.

Since Joyce is not personally involved in the misrepresentation, she has acted ethically—even though others have not, including her supervisor.



Joyce, AICP



Wes Booner/Toledo Blade

## Scenario 6

# Conflict of Interest

Peter, AICP, a planning consultant, has a contract to serve as staff planner for the Village of Waterbury.

A developer hires Peter to provide expert witness testimony at a meeting of the Columbia Plan Commission, on behalf of a proposed gas station and convenience store. The site is located less than 300 feet from the Columbia-Waterbury border.



Peter, AICP



Abraham Watkins.

## Scenario 6 (contd.)

After Peter testifies, a resident of Columbia files a complaint with the Waterbury's Ethics Board, alleging that Peter's private testimony constitutes a "conflict of interest" because of the project's proximity to the community where Peter works as the village planner.

The resident also alleges, in a misconduct complaint to AICP, that Peter has violated the *AICP Ethics Code* because he had input into Columbia's comprehensive plan in his role as the staff planner for Waterbury.



European Union



Dreamstime.com

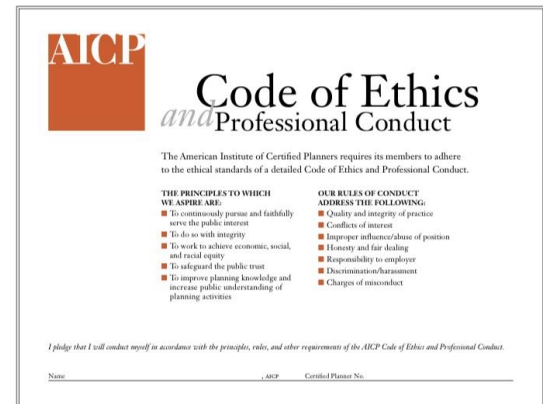
# Scenario 6

## Questions

### Q 6.1:

**Does Peter have a conflict of interest?**

- a) Yes
- b) No
- c) Not Sure



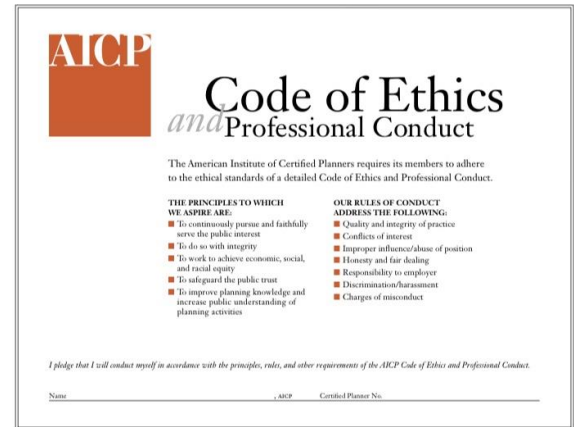
# Scenario 6

## Questions

Q 6.2:

Has Peter violated any “Rules of Conduct” in the *AICP Ethics Code*?

- a) Yes
- b) No
- c) Not Sure



# Scenario 6

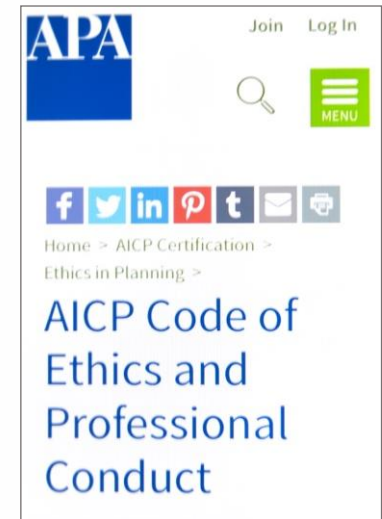
## Ethical Issues

### *AICP Ethics Code “Aspirational Principles”*

**1c:** Have special concern for the long-range consequences of present actions.

**1d:** Pay special attention to the interrelatedness of decisions and their unintended consequences.

**4e:** Avoid a conflict of interest or even the appearance of a conflict of interest in accepting assignments from clients or employers.



## Scenario 6

# Ethical Issues (contd.)

### ***AICP Ethics Code “Rules of Conduct”***

**Rule 18:** “We shall not, as employees, undertake other employment in planning or a related profession...without having made full written disclosure to [our] employer...and having received subsequent written permission...unless our employer has a written policy permitting such employment without consent. In no case shall a planner engage in any outside work that would create an actual conflict of interest.”

**Rule 19:** “We shall not accept an assignment...to publicly advocate a position on a planning issue that is significantly different to a position we publicly advocated for a previous client or employer within the past three years...”

## Scenario 6

# Real-Life Outcome

Following a review of the misconduct complaint, the AICP Ethics Officer asks Peter to provide a written response to the complaint.

Peter responds that: 1) his involvement in the Columbia plan had been advisory, 2) his employment contract with Waterbury did not have any language “preventing” outside employment, and 3) his expert witness testimony had not constituted a conflict of interest, according to the ruling by Waterbury’s Ethics Board.

Although the misconduct complaint is dismissed, the AICP Ethics Committee sends Peter a confidential “Advisory Letter,” which recommends that his future decisions regarding consulting jobs should be more carefully considered.



Peter, AICP



Elderflower Legal

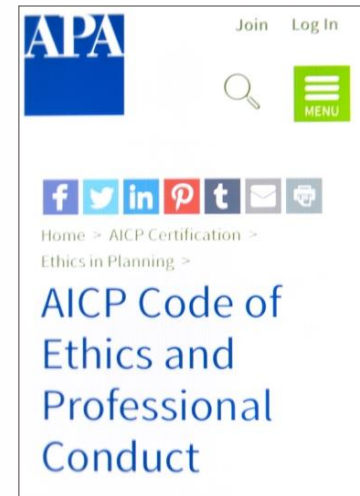
## Scenario 6

# Impact of the New Code

**Prior Aspirational Principle 1c** (new 1d) did not include: “and their unintended consequences.”

**Prior Rule of Conduct #4** (new #18) did not include:

- 1) unless employer has a “written policy permitting such employment without consent” and
- 2) “In no case shall a planner engage in any outside work that would create an actual conflict of interest.”



## Scenario 7

# Planner/Real Estate Agent

Jane, AICP, the planning director of Jacobson County, would like to obtain her real estate license. In addition to supplementing her salary, she is looking for a potential post-retirement career.

Jane knows she should only work weekends and that she should not represent any properties located in the county. But are there any other ethical concerns she should have?



Jane, AICP



Gate Crashers

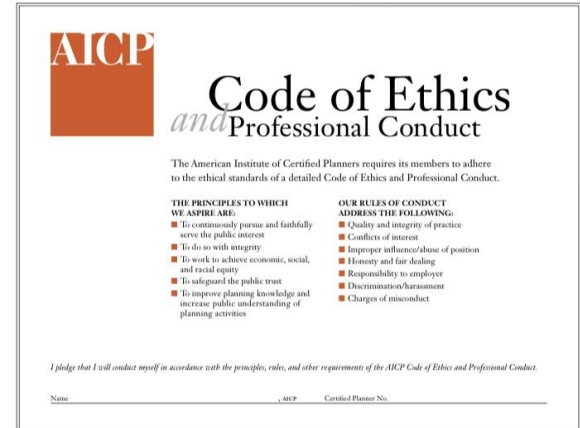
# Scenario 7

## Questions

**Q 7.1:**

**Is selling real estate a violation of the *AICP Ethics Code*?**

- a) Yes
- b) No
- c) Not Sure



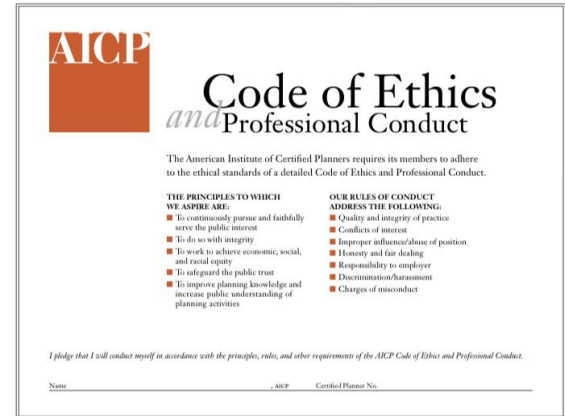
# Scenario 7

## Questions (contd.)

### Q 7.2:

**Does Jane need to tell her supervisor about this—since, she believes, selling real estate is not “planning related?”**

- a) Yes
- b) No
- c) Not Sure



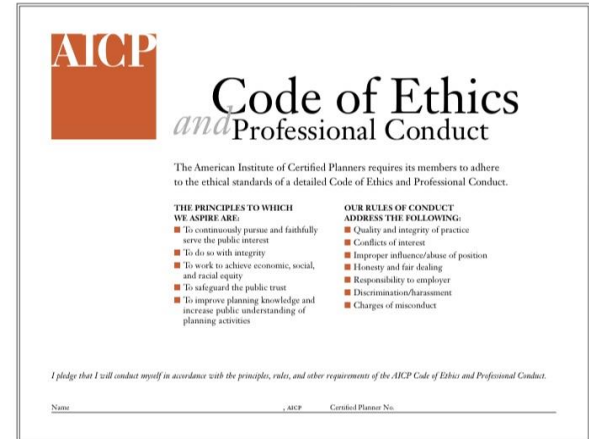
# Scenario 7

## Questions (contd.)

### Q 7.3:

Is it appropriate for Jane to list “AICP” after her name on her real estate agent business cards?

- a) Yes
- b) No
- c) Not Sure



# Scenario 7

## Ethical Issues

### *AICP Ethics Code “Aspirational Principles”*

**1d:** Pay special attention to the interrelatedness of decisions and their unintended consequences.

**4e:** Avoid a conflict of interest or even the appearance of a conflict of interest in accepting assignments from clients or employers.

**4j:** Do not seek business by stating or implying the ability or willingness to influence decisions by improper means.

## Scenario 7

# Ethical Issues (contd.)

### ***AICP Ethics Code “Rules of Conduct”***

**Rule 18:** We shall not, as employees, undertake other employment in planning or a related profession, whether or not for financial remuneration, without having made full written disclosure to the employer who furnishes our pay and having received subsequent written permission to undertake additional employment, unless our employer has a written policy permitting such employment without consent. In no case shall a planner engage in any outside work that would create an actual conflict of interest.

## Scenario 7

# Real-Life Outcome

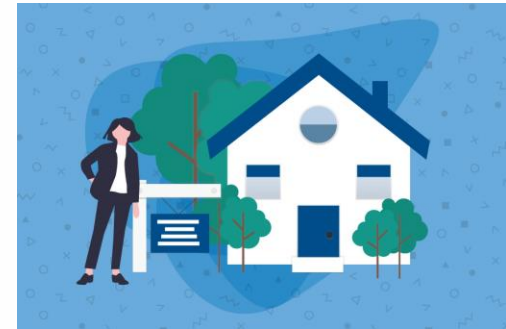
The AICP Ethics Officer tells Jane that she absolutely must get written permission from her supervisor, since real estate sales *is* “a related profession.”

The Ethics Officer also suggests that Jane might want to clarify, in her written “disclosure letter” to her supervisor, any key issues, such as no sales within the county, no use of work phones or emails, etc. Such disclosure could further protect Jane from any claims of “actual or perceived conflicts of interest.”

Jane also is free to use “AICP” on her business card.



Jane, AICP



ASAPmaps

## Scenario 7

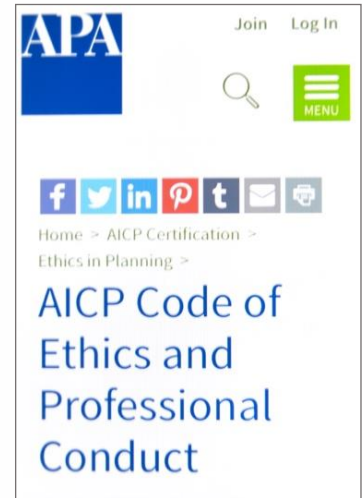
# Impact of the New Code

**Aspirational Principle #1d was amended to include the section in red:**

“Pay special attention to the interrelatedness of decisions **and their unintended consequences.**”

**Rule of Conduct #18 was amended to include:**

“...In no case shall a planner engage in any outside work that would create an actual conflict of interest.”



# Further Discussion

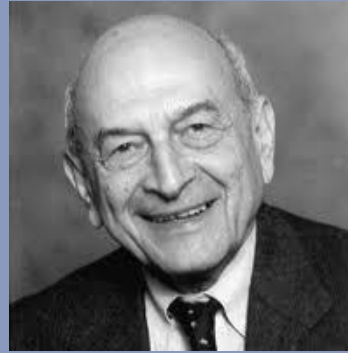
# Cast of Characters

Which figures in  
planning history were  
the names of the  
“characters” based?





**Norm**



**Norman Krumholz**

(1927-2019)

Planner, Educator, Author



**Beverly**



## **Beverly Loraine Green**

(1915-57)

Architect, Planner



**Jane**



## **Jane Jacobs**

(1916-2006)

Activist, Journalist, Writer

Author of “The Death and Life  
of Great American Cities”



**Odilia**



## **Odilia Suarez**

(1923-2006)

Architect, Planner, Educator

United Nations consultant for  
Latin America



Joyce



## **R. Joyce Whitley**

(1930-92)

Architect, Planner, Playwright

Chief Planner, U.S. Department of  
Housing and Urban Development



**Peter**



## **Peter Marcuse**

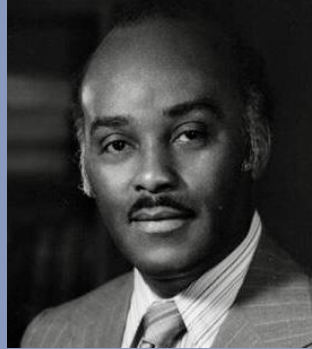
(1928-2022)

Attorney, Planner, Educator

Co-founder, *Progressive City* magazine



**Sam**



## **Samuel J. Cullers**

(1918-2005)

Planner, Advocate

Director, California State  
Office of Planning

# Final Note

For informal advice regarding ethical conduct, please contact the AICP Ethics Officer at 312-786-6360 or [ethics@planning.org](mailto:ethics@planning.org). For more information about ethics, please visit [planning.org/ethics](https://planning.org/ethics)

## AICP Ethics Committee

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