WHAT IF PLANNERS WERE UNETHICAL?

2017 APA COLORADO PLANNING CONFERENCE
TELLURIDE, CO

Abe Barge, AICP
Cheney Bostic, AICP
Tareq Wafaie, AICP

#apacoethics
AGENDA AND FORMAT

1. Overview of the AICP Code of Ethics

2. The Scenarios
   - **Scenario 1:** What if We Just Keep This a Secret?
   - **Scenario 2:** Lakeside Villas vs. Landfill Mesa
   - **Scenario 3:** What if Someone is Mistweeted?

3. Scenarios from the Audience?
JOIN THE CONVERSATION...

#apacoethics

Let me tell you about a crazy time when....
DISCLAIMERS

• These scenarios have been created by AICP planners to provide continuing education materials regarding the AICP Code of Ethics and Professional Conduct.

• Although these scenarios – and any associated questions-and-answers – are an important part of understanding aspects of the ethics code, please note that only the Ethics Committee is authorized to give a “formal advisory opinion” on the propriety of a planner’s proposed conduct (Section C.3, Ethics Code).

• If you have an informal ethics inquiry, please call or email the Ethics Officer at 1-312-786-6360 or ethics@planning.org.
WHY TALK ABOUT ETHICS?

• Citizens expect planners to elevate governance, not fall to its base level.

• Planners have ethical responsibilities to their colleagues, clients, and communities.

• Ethics scenarios are rarely “cut and dried.” We should discuss the nuances regularly.

• It’s fun!
WHAT IS THE AICP CODE OF ETHICS?

Adopted March 2005; Revised 2009 and 2016

A: Principles to Which We Aspire
  • Our overall responsibility to the public
  • Our responsibility to our clients and employers
  • Our responsibility to our profession and colleagues

B: Our Rules of Conduct
  • You “shall” or “shall not.”

C: Advisory Opinions
  • Getting advice
  • Annual report

D: Adjudication of Complaints of Misconduct
  • Filing a complaint
  • Decisions and appeals

E: Discipline of Members
  • Forms of discipline
  • Notification and publication
### ETHICS CASES, HISTORICALLY

<table>
<thead>
<tr>
<th>Year</th>
<th># of Cases</th>
<th>Results</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016</td>
<td>12</td>
<td>6 settled, 6 dismissed</td>
</tr>
<tr>
<td>2015</td>
<td>13</td>
<td>8 resolved; 5 pending</td>
</tr>
<tr>
<td>2014</td>
<td>13</td>
<td>10 resolved; 3 pending</td>
</tr>
<tr>
<td>2013</td>
<td>6</td>
<td>1 settled; 5 under review</td>
</tr>
<tr>
<td>2012</td>
<td>2</td>
<td>0 resolved; 2 pending</td>
</tr>
<tr>
<td>2011</td>
<td>4</td>
<td>2 resolved; 2 pending</td>
</tr>
<tr>
<td>2010</td>
<td>4</td>
<td>2 resolved; 2 pending</td>
</tr>
<tr>
<td>2009</td>
<td>11</td>
<td>9 resolved; 2 pending</td>
</tr>
<tr>
<td>2008</td>
<td>15</td>
<td>10 resolved (1 died); 5 pending</td>
</tr>
<tr>
<td>2007</td>
<td>12</td>
<td>6 resolved; 6 pending</td>
</tr>
<tr>
<td>2006</td>
<td>9</td>
<td>4 resolved; 5 pending</td>
</tr>
<tr>
<td>2005</td>
<td>7</td>
<td>2 resolved; 5 pending</td>
</tr>
</tbody>
</table>

*Source: APA (www.planning.org)*
2016 CASES/CALLS – BY TOPIC

- Lack of Cooperation with Ethics Compliance: 4
- Misuse of AICP Credential: 6
- Private Communication with Decision Makers: 11
- False, Deceptive, or Unsubstantiated Statements: 11
- Loyalty to Employer: 16
- Abuse of Position: 16
- Quality of Practice: 19
- Legal and Ethical Conduct: 22
- Respect for Confidentiality: 24
- Honest and Fair Dealing: 24
- Conflicts of Interest: 31

Source: APA (www.planning.org)
Source: APA (www.planning.org)
BY A SHOW OF HANDS...

WARMUP ROUND
WHY ARE YOU HERE?

0%  A. I’m generally naughty
0%  B. This is the only ethics session offered
0%  C. I slept in this room
0%  D. I was told there would be cornhole
ARE YOU AICP CERTIFIED?

0%  A. Yes
0%  B. Sometimes
0%  C. No, never
MY RELATIONSHIP WITH THE CODE OF ETHICS:

0%  A. Printed on my coffee mug
0%  B. I disagree
0%  C. I’m in love with it
0%  D. Hated it
SPOILER ALERT...

In the scenarios, our planners are not always exemplary. Sometimes participants will need to select a choice that avoids a violation of the AICP Code of Ethics, even if such choice does not represent ideal behavior. The purpose of these scenarios is to carefully examine the rules and their limits, while considering the guidance of the Code’s principles.
SCENARIO 1

WHAT IF WE JUST KEEP THIS A SECRET?
THE SCENE

An open air amphitheater in a beautiful alpine meadow above Jackalope Hole, a resort community in the Rocky Mountains.

Local officials are preparing for a community presentation on Jackalope’s bid to land the headquarters of Glamazon, an upscale outdoor outfitter for very tall women. For added drama, Jackalope officials have scheduled their presentation to coincide with a total eclipse of the sun.
THE SCENE

The City Manager - Andy ‘the Animal’ Antler (TAREQ) - is coaching the AICP Planning Director – Terry Teton (ABE) - on his role in the presentation, which will also include Glamazon Vice President Athena Campy (CHENEY), who is on site to determine whether Jackalope is the right place for Glamazon’s well-compensated headquarters staff.
TERRY’S RESPONSE TO ANDY

A. Sorry Andy, Sometimes I forget about the team. I won’t mention the ADA park to ensure that nothing interferes with the Glamazon bid.

B. I’m not playing for a team that sacrifices ADA accessibility to lure corporate titans. Seriously, those ladies are all over 6’ tall. I’m sure I can find another employer who appreciates the truth.

C. I’ll try to explain why we think Glamazon is good for Jackalope, but I have to be honest about how the HQ would affect the park plans.

D. I’m not sure what’s going on here, but I’m pretty sure I have an ethical issue, so I’m going home.
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TERRY’S RESPONSE TO ANDY

A. No spin needed. Environmental assessment is basically voodoo magic, so we can treat the results with more than a grain of salt.

B. But I’m AICP certified too, so I’ll do my own accessibility study so we can get a higher rating.

C. The consultants have spoken, so we have to make the meadow ADA accessible and protect it from development.

D. I don’t think there’s anything to spin if we really think we can allow development on the meadow and find an equally great place for ADA-accessible recreation.
## TERRY’S RESPONSE TO ANDY

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<td><strong>A</strong> No spin needed. Environmental assessment is basically voodoo magic, so we can treat the results with more than a grain of salt.</td>
<td>Rule 10, Principle 1g</td>
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<td><strong>B</strong> But I’m AICP certified too, so I’ll do my own accessibility study so we can get a higher rating.</td>
<td>Rule 15</td>
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<td><strong>C</strong> The consultants have spoken, so we have to make the meadow ADA accessible and protect it from development.</td>
<td>Principle 2a</td>
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<td><strong>D</strong> I don’t think there’s anything to spin if we really think we can allow development on the meadow and find an equally great place for ADA-accessible recreation.</td>
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Ready.  
Set.  
Glamp!
October 2016
Makeover Pop Up
@ Everest Base Camp

December 2016
Chanel for Sherpas
@ K2

March 2017
Evian for Eskimos
@ Nuuk

June 2017
Mosquito Netscape
@ Port Moresby

October 2017
Tent Warming?
@ Jackalope Hole

Community Service @Glamazon
50 Executive Jobs Just to Start

Scales Up to 1,500 Jobs In 5 years

10 Glamazons = 1 yoga studio
20 Glamazons = Urgent Care For Drone Injuries

Every $1 in Incentives = 50% Off One Item In Our Outlet Store
TERRY’S RESPONSE TO ANDY

A. Athena’s slides prove that Glamazon knows what it’s doing. I think we can assume their economic predictions support the Comp Plan vision for a sustainable Jackalope Valley.

B. The Comp Plan does call for economic diversification, but we’ll need to carefully weight the pros and cons of an incentive package for Glamazon, or any other corporate partners.

C. That’s right. My colleagues down in Telluride are really sweating. Jackalope winning the Glamazon HQ will be the nail in the coffin of their municipal finances.

D. I’m not sure what the Comp Plan has to do with anything. I was at Councilwoman Spruce’s fall gourd fest last weekend, and every Council member told me they’d pay for whatever infrastructure Glamazon needs.
## TERRY’S RESPONSE TO ANDY

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<td><strong>A</strong> Athena’s slides prove that Glamazon knows what it’s doing. I think we can assume their economic predictions support the Comp Plan vision for a sustainable Jackalope Valley.</td>
<td>Principle 2a</td>
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<td><strong>B</strong> The Comp Plan does call for economic diversification, but we’ll need to carefully weight the pros and cons of an incentive package for Glamazon, or any other corporate partners.</td>
<td>Principles 1a to 1f</td>
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<tr>
<td><strong>C</strong> That’s right. My colleagues down in Telluride are really sweating. Jackalope winning the Glamazon HQ will be the nail in the coffin of their municipal finances.</td>
<td>Rule 9</td>
</tr>
<tr>
<td><strong>D</strong> I’m not sure what the Comp Plan has to do with anything. I was at Councilwoman Spruce’s fall gourd fest last weekend, and every Council member told me they’d pay for whatever infrastructure Glamazon needs.</td>
<td>Rule 9</td>
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TERRY’S RESPONSE TO FLO

A. Flo, I know you studied economics, but that doesn’t make you an urban planner. Getting the Glamazon HQ will benefit our residents far more than a park with some ADA ramps.

B. I know more about economics than anyone else in the valley, and I can tell you that any money we spend on infrastructure for the HQ will be paid back many times over.

C. I think we can work together to find a solution that’s a winner for all parties.

D. Jackalope can’t do it all. I think it’s time for other communities in the valley to step up and do more for the disadvantaged.
### TERRY’S RESPONSE TO FLO

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<td><strong>A</strong> Flo, I know you studied economics, but that doesn’t make you an urban planner. Getting the Glamazon HQ will benefit our residents far more than a park with some ADA ramps.</td>
<td>Rule 3 Principle 3c</td>
</tr>
<tr>
<td><strong>B</strong> I know more about economics than anyone else in the valley, and I can tell you that any money we spend on infrastructure for the HQ will be paid back many times over.</td>
<td>Rule 12</td>
</tr>
<tr>
<td><strong>C</strong> I think we can work together to find a solution that’s a winner for all parties.</td>
<td></td>
</tr>
<tr>
<td><strong>D</strong> Jackalope can’t do it all. I think it’s time for other communities in the valley to step up and do more for the disadvantaged.</td>
<td>Principles 1f and 3a</td>
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TERRY’S RESPONSE TO ATHENA

A. Thanks for your candor, Athena. I want to assure everyone here that Andy and I will work to find the right balance as we explore options with Glamazon.

B. So – you want us to give you the accessible nature park the community voted to approve and raise taxes even more to fund a new park location?

C. When I was in Telluride, I argued that incentives are corporate welfare. Jackalope has helped me realize that we need corporations to help promote our community vision.

D. It sounds like your definition of “collaborative spirit” is “give the company everything it asks for.” I think Jackalope is better off without Glamazone.
### TERRY’S RESPONSE TO ATHENA

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<td><strong>A</strong> Thanks for your candor, Athena. I want to assure everyone here that Andy and I will work to find the right balance as we explore options with Glamazon.</td>
<td></td>
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<tr>
<td><strong>B</strong> So — you want us to give you the accessible nature park the community voted to approve and raise taxes even more to fund a new park location?</td>
<td>Rule 7 Principle 2b</td>
</tr>
<tr>
<td><strong>C</strong> When I was in Telluride, I argued that incentives are corporate welfare. Jackalope has helped me realize that we need corporations to help promote our community vision.</td>
<td>Rule 3 Principle ---</td>
</tr>
<tr>
<td><strong>D</strong> It sounds like your definition of “collaborative spirit” is “give the company everything it asks for.” I think Jackalope is better off without Glamazon.</td>
<td>Rule --- Principle 2b</td>
</tr>
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SCENARIO 2

LAKESIDE VILLAS VS. LANDFILL MESA
THE SCENE

Lakeside Villas and Landfill Mesa are adjacent neighborhoods located along Apple Creek. A new light rail station is going to be located between the two and the Comp Plan calls for “transit oriented development” and welcomes added density for community benefit.
THE SCENE

Ella Vader (Cheney) is an AICP certified planner at the city of Suburbank and is assigned a new project working with a notorious developer (Donald Johnson) that wants to maximize density at the station site between Lakeside and Landfill. Due diligence requires one public meeting, of which only Lakeside Villas residents attended.
THE SCENE

Ella’s coworker, Noah Lott (Tareq), is assisting her with the entitlements and public process. Planning Director Stan Still, AICP (Abe) gives her some advice on how to proceed with the project. Ella then presents the project and public feedback to City Council.
A. They’re friends of the family – it would be rude not to!

B. I’m going to wait until after the public meeting and then have dinner with them.

C. I’m going to tell them I’m too busy.

D. I think I’ll talk to Planning Director Still and ask to be removed from the project. I don’t want to have to worry about them bugging me anymore.
<table>
<thead>
<tr>
<th>Response</th>
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<tr>
<td>A  They’re friends of the family – it would be rude not to!</td>
<td>Rule 8 Principles 1h and 2c</td>
</tr>
<tr>
<td>B  I’m going to wait until after the public meeting and then have dinner with them.</td>
<td>Rule 8 Principles 1h and 2c</td>
</tr>
<tr>
<td>C  I’m going to tell them I’m too busy.</td>
<td></td>
</tr>
<tr>
<td>D  I think I’ll talk to Planning Director Still and ask to be removed from the project. I don’t want to have to worry about them bugging me anymore.</td>
<td>Principles 1b, 2a, 3a, and 3b</td>
</tr>
</tbody>
</table>
A. Well, the Yacht Club is the BEST place for a meeting like this – I don’t see why Landfill Mesa residents wouldn’t come.

B. You’re right, we should hire an interpreter!

C. Let’s see what the turnout is, and if we need to, we’ll host an online town hall.

D. Let’s see what the turnout is, and if we need to, we’ll host an additional meeting.
**DIRECTOR STILL’S RESPONSE TO ELLA**

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<tr>
<td>A  Well, the Yacht Club is the BEST place for a meeting like this – I don’t see why Landfill Mesa residents wouldn’t come.</td>
<td>Principles 1e and 1h</td>
</tr>
<tr>
<td>B  You’re right, we should hire an interpreter!</td>
<td>Does not address the lack of access</td>
</tr>
<tr>
<td>C  Let’s see what the turnout is, and if we need to, we’ll host an online town hall.</td>
<td>Assumes that people have internet</td>
</tr>
<tr>
<td>D  Let’s see what the turnout is, and if we need to, we’ll host an additional meeting.</td>
<td></td>
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</tbody>
</table>
The developer's vision for a mixed use district adjacent to the transit station is appropriate for this site.
The additional affordable housing and open space as a means for achieving higher density on the site is acceptable

- Need more information
- Agree
- Disagree
What services would you like to see on the site?

- Whole Foods
- Pilates studio
- Lakeside steak restaurant
- Sequence martini glasses
- High end golf pants
- Puppy Accessories
What are you most concerned about?

- Transit Access
- Affordable Housing Opportunities
- Blocking Views
- People
- Noise
- Traffic
Lastly, how did you find out about this meeting?

- City's website
- Nextdoor
- Lakeside Golf Course
- Lakeside Villas HOA
- Annual Yacht Club Dinner
ULLA’S RESPONSE TO COUNCILMAN BENSON

A. I do not have a formal recommendation at this time; I just wanted to update you on the public meeting input.

B. The final recommendation will come next month after I sit down individually with Council representatives from Districts 1 and 2.

C. Yes, my recommendation is to approve the project and grant entitlements to the developer, as he has completed his due diligence.

D. Yes, my recommendation is to NOT approve the project because of the community feedback we received.
# ELLA’S RESPONSE TO COUNCILMAN BENSON

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<tr>
<td>A I do not have a formal recommendation at this time; I just wanted to update you on the public meeting input.</td>
<td></td>
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<tr>
<td>B The final recommendation will come next month after I sit down individually with Council representatives from Districts 1 and 2.</td>
<td>Rule 9</td>
</tr>
<tr>
<td>C Yes, my recommendation is to approve the project and grant entitlements to the developer, as he has completed his due diligence.</td>
<td>Principles 1a, 1b, 1f, 2a, 3b, and 3e</td>
</tr>
<tr>
<td>D Yes, my recommendation is to NOT approve the project because of the community feedback we received.</td>
<td>Principles 1a and 1b (and just a bad idea)</td>
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</table>
ELLA’S RESPONSE TO COUNCILMAN BENSON

A. Great question! Everyone that pre-signs a lease agreement gets a FREE apple!

B. The developer has proposed a wonderful grove of trees near the creek edge with picnic tables and the history of the site will be etched into the concrete pathway.

C. Eh, to quote the great Thomas Jefferson – “I like the dreams of the future better than the history of the past.”

D. Riiiiiggghhhht...I totally forgot about that Plan!
## Ella’s Response to Councilman Benson

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<tr>
<td>A  Great question! Everyone that pre-signs a lease agreement gets a FREE apple!</td>
<td>Principle 1g (and a bad idea)</td>
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<td>B  The developer has proposed a wonderful grove of trees near the creek edge with picnic tables and the history of the site will be etched into the concrete pathway.</td>
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<td>C  Eh, to quote the great Thomas Jefferson – “I like the dreams of the future better than the history of the past.”</td>
<td>Principle 1g (and a bad idea)</td>
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<tr>
<td>D  Riiiiiggghhhht...I totally forgot about that Plan!</td>
<td>Principles 1c and 3a</td>
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REMINDER TO SUBMIT YOUR SCENARIOS

#apacoethics

So.....this planner from my home town did the most ridiculous thing ever...... And there were tears...
SCENARIO 3

WHAT IF SOMEONE IS MISTWEETED?

#apacoethics
THE SCENE

The City of South Weston is a suburban community with booming tech and biomedical industries. The community nearly doubled its population in the past 10 years and is expected to double again in the next 10 years. Planning Director Jackson Rickles, AICP [Abe] sits in the conference room with his Zoning Administrator, Sharon McCarron, AICP [Cheney] and Victor Vashenko, an AICP planner [Tareq] on the development review team to discuss the upcoming public open house to kick off the Comp Plan update.
City of South Weston    @CitySouthWeston · Sep 12

#CompPlanUpdate East Side! Come learn about the Comp Plan and eat some ice cream.
City of South Weston • @CitySouthWeston • Sep 12

#CompPlanUpdate We need your input on the Comp Plan update!
City of South Weston  🔄  @CitySouthWeston · Sep 12

#CompPlanUpdate We need your input on the Comp Plan update. Come join us for an ice-cream social tomorrow night at 6:00 pm at City Hall.
#CompPlanUpdate Last chance to provide input on the appropriate building heights in South Weston neighborhoods!
WHICH TWEET?

A. East Side! Come learn about the Comp Plan and eat some ice cream.

B. We need your input on the Comp Plan update!

C. We need your input on the Comp Plan update. Come join us for an ice-cream social tomorrow night at 6:00 pm at City Hall.

D. Last chance to provide input on the appropriate building heights in South Weston neighborhoods!
THE SCENE

The following week, Victor is facilitating a discussion with a man [Abe] at the public open house. The man is a reporter with the “Best of the West,” a popular online news outlet, but Victor does not know that he is a reporter.
#CompPlanUpdate City encourages ADUs in Neighborhoods such as Ranch Springs, Mesa Diego, and Paseo Park to close the affordable housing gap.
VICKY BOY’S RESPONSE TO JACKSON

0% A. I didn’t say those things. That was completely out of context.

0% B. I’ll go pack my bags.

0% C. Sharon told me to talk to that man, and I didn’t even know he was a reporter.

0% D. That guy’s a jerk, and so is the Mayor! I’ll go pack my bags.
### VICKY BOY’S RESPONSE TO JACKSON

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<td><strong>A</strong> I didn’t say those things. That was completely out of context.</td>
<td>Not entirely true</td>
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<td><strong>B</strong> I’ll go pack my bags.</td>
<td>Principle 1 (all)</td>
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<td><strong>C</strong> Sharon told me to talk to that man, and I didn’t even know he was a reporter.</td>
<td>Principles 2a and 3a</td>
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<td><strong>D</strong> That guy’s a jerk, and so is the Mayor! I’ll go pack my bags.</td>
<td>Principles 2a and 3a</td>
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THE SCENE

Two weeks later, Mayor Julie McRulie [Cheney] is at a City Council meeting. An east side citizen approaches the dais to provide opinion on the Comp Plan update as a non-agenda item. Victor listens and takes notes, waiting for something to tweet.
City of South Weston    @CitySouthWeston · Oct 3

#CompPlanUpdate Resident at City Council tonight: “East side citizens thrilled to be involved...staff doing a wonderful job.”
#CompPlanUpdate Resident at City Council tonight: “Staff doing a wonderful job on many aspects of the plan.”
City of South Weston  🔄 @CitySouthWeston · Oct 3

#CompPlanUpdate Resident at City Council tonight: “East Side is extremely concerned that ADUs will completely degrade their neighborhood.”
#CompPlanUpdate  The future of Accessory Dwelling Units (ADUs) requires further discussion. Stay tuned for a date to discuss them at a special meeting.
WHICH TWEET?

A. Resident at City Council tonight: “East side citizens thrilled to be involved...staff doing a wonderful job.”

B. Resident at City Council tonight: “Staff doing a wonderful job on many aspects of the plan.”

C. Resident at City Council tonight: “East Side is extremely concerned that ADUs will completely degrade their neighborhood.”

D. The future of Accessory Dwelling Units (ADUs) requires further discussion. Stay tuned for a date to discuss them at a special meeting.
A couple days later, a resident tweets the following message regarding the Comp Plan update...
No Tread Frank

#CompPlanUpdate Don’t let the government take your property! The Comprehensive Plan is nothing but a ploy to do just that!
City of South Weston  @CitySouthWeston · Oct 5

Replying to @DontTreadonFranky The government is not trying to take your property, or anybody else’s property.
No Tread Frank  @DontTreadonFranky · Oct 5

#CompPlanUpdate Don’t let the government take your property! The Comprehensive Plan is nothing but a ploy to do just that!

City of South Weston  @CitySouthWeston · Oct 5

Replying to @DontTreadonFranky If this is about that junk citation, please come visit us to discuss in person.
City of South Weston

Replying to @DontTreadonFranky Please come visit us to discuss in person.
The Comp Plan is a plan for the future, created by the multiple voices in South Weston. Please join us at our next meeting on October 14th to learn more!
BEST REPLY TWEET?

A. The government is not trying to take your property, or anybody else’s property.

B. If this is about that junk citation, please come visit us to discuss in person.

C. Please come visit us to discuss in person.

D. The Comp Plan is a plan for the future, created by the multiple voices in South Weston. Please join us at our next meeting on October 14th to learn more!
SCENARIOS FROM THE AUDIENCE?

#apacoethics

Get a load of this...
SOME PARTING THOUGHTS

1. Use common sense
2. If it doesn’t feel right, it probably isn’t
3. Follow the golden rule
4. Self-reflection can be rewarding
5. Read the code of ethics
6. Talk about the code of ethics with colleagues

Yay, ethics!
THANK YOU

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