

Ethics in Code Administration

Presenter: Steve Thomas

Monday, September 11, 2017

4:00 PM – 5:30 PM

Ethics in Code Administration

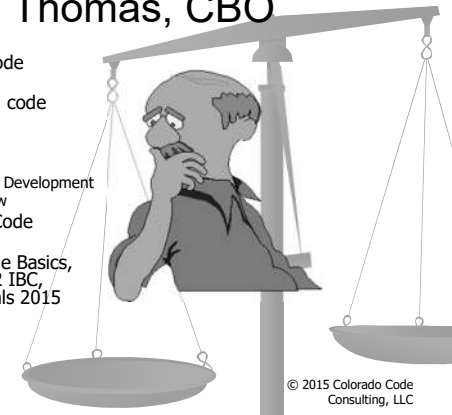


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Instructor Steve Thomas, CBO

- President, Colorado Code Consulting, LLC
- 35 years experience in code administration
- ICBO Committees
 - Small Jurisdictions
 - Fire & Life Safety Code Development
 - Means of Egress Review
- ICC Means of Egress Code Committee
- Author of Building Code Basics, based on 2009 & 2012 IBC, Building Code Essentials 2015 IBC

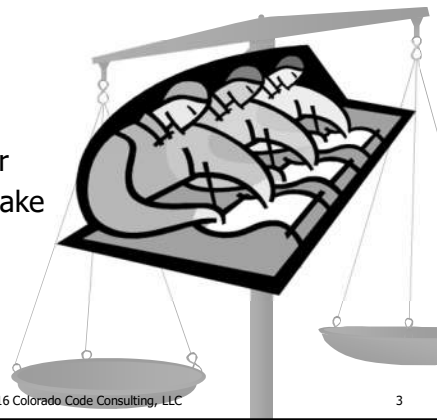


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What are we going to talk about?

- Define Ethics and Ethical Behavior
- Discuss the consequences of unethical behavior
- Discuss how to make ethical decisions



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Ground Rules

- Everyone should participate.
- Everyone has the same right to participate regardless of title or position.
- To insure confidentiality, comments do not leave the room.
- The goal is to get everyone to THINK about their actions.



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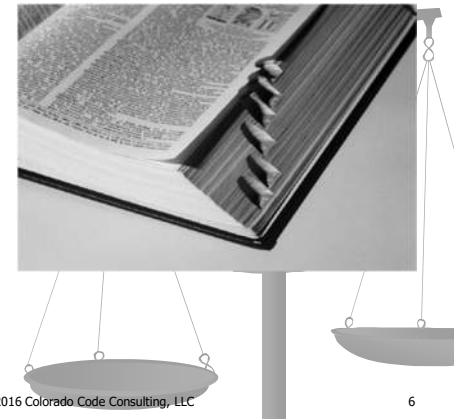
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ETHICS

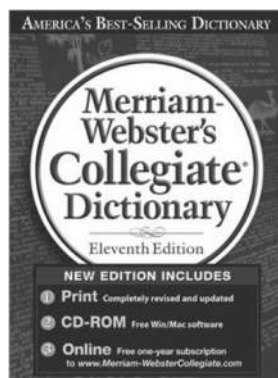


Ethics in Public Life

- What is the definition of Ethics?



Ethics?



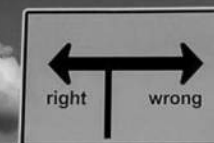
- Webster's Dictionary
 - The discipline of dealing with what is good and bad with moral duty and obligation.
 - A set of moral principles and values
 - A theory or system of moral values

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Ethics

- Standard of Conduct
- Can be applied to personal behavior and to disciplines
- Distinguish between the right and wrong ways we should behave in our personal and professional lives.



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Ethical Behavior vs. Legal Behavior



- Conflict with each other at times
- Doing the right thing requires more than being legally justified
- Means being held to a higher standard



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Ethical Behavior vs. Legal Behavior

- Examples of legal behavior, but unethical?
 - Leaving work a few minutes early each day
 - Making a personal long distance call on your city's phone line
 - Charging sick leave when you're not sick
 - Scapegoating
 - Blaming others for missed commitments, bad decisions, or poor results



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10

Ethical Behavior vs. Legal Behavior

Chicago Inspector Admits To Killing Time

VIDEO: Pam Zekman reports.

(CBS 2) CHICAGO A Chicago building inspector, who was caught by the CBS 2 Investigators killing time on the city's dime, pleaded guilty Tuesday, admitting he didn't do the work he was paid to do.

Saying he was sorry for what he had done, a city building inspector pleaded guilty to charges of theft and official misconduct.

In November 2002, we showed Boris Gurevich at home for days, at the same time his log sheets showed he was inspecting buildings for the city. When CBS 2 Investigator Pam Zekman confronted him, Gurevich took off.

"Mr. Gurevich, what are you doing at home in the middle of the day? Aren't you supposed to be inspecting buildings?" CBS 2's Pam Zekman asked as she ran down the street after Gurevich.

On Tuesday when confronted by a judge, Gurevich finally admitted he cheated the taxpayers on 14 out of 14 days he was followed by the city inspector general's office.

He was sentenced to two years of felony probation and ordered to pay about \$1,700 restitution for the salary he collected when he did not work -- an amount that prosecutors say is probably a fraction of the cost of the city.



Some departments now monitor inspector activity via GPS enabled cellphones.

Article Courtesy:
CBS2Chicago.com

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11

Conflicts...



...of interest

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12

Conflicts of Interest

- If there is any question or even an appearance of a conflict of interest:
 - Consult your attorney
 - If it is determined that there is a potential conflict of interest, remove yourself from the situation or case and from the decision-making process.

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Code of Ethics

- A jurisdiction's set of rules defining good and bad behavior in particular situations.
 - Defines the ethical behavior, values, and organizational norms that employees should follow.
 - Local ordinances
 - Policies
 - Procedure Manuals

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14

Policy Makers Not Following Policy

Witness: City aide told me to lie

June 13, 2006

BY NATASHA KORECKI, STEVE WARMBIR AND FRAN SPIELMAN Staff Reporters

A Mayor Daley press aide told a deputy commissioner to lie to the public and say the city hired a 19-year-old building inspector without knowing he was the son of a clout-heavy union official, a witness testified in the City Hall hiring trial Monday.

In September 2004, Sun-Times columnist Carol Marin reported that Andy Ryan, 19, was hired as a building inspector even though the city requires all inspectors to have completed a four-year apprenticeship and have two years work experience. Ryan is the son of Tom Ryan, the secretary-treasurer of Carpenters Local 13. The union was Mayor Daley's largest campaign contributor in 2003.

Courtesy: Chicago Sun Times

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15

City scandal raises questions in porch collapse that killed 13



Paul Meincke

October 26, 2004 - The City of Chicago Buildings Department scandal has raised new questions in connection to the deadly Lincoln Park porch collapse last year. Thirteen people died when a porch gave out at 713 Wrightwood. Now, officials want to know if the inspectors who said the porch was secure were qualified to make that call. Those inspectors have been deposed about their work.

RELATED LINKS

ABC7 Video Clip

It raised more than eyebrows last month when it was revealed that a 19-year-old and a 23-year-old with little experience were on the payroll as Chicago building inspectors. Embarrassed, the

city reviewed its recent hires, but not the qualifications of its more veteran inspectors. The deadly Wrightwood porch collapse case now raises questions about how and why some of them were hired years ago.

When the porch at 713 Wrightwood collapsed 16-months ago, 13 people died and 50 more were injured. The porch had passed five previous annual inspections despite the fact that the floor joists were undersized, the deck was too big, and was improperly secured to the building.

Now, court depositions of five building inspectors or supervisors who were involved in those Wrightwood inspections reveal that at least four of them had little or no experience in the building or construction trades when they were hired in the 70's and 80's. They were supposed to have had a minimum of five years in the trades to get hired.

Which in turns leads to questions about qualifications of the entire department...

Courtesy: ABC7Chicago.com

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Cause or Perceived Cause?



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17

CONTRACTOR_{mag.com}

THE NEWSMAGAZINE OF MECHANICAL CONTRACTING

Feds indict 13 Philly inspectors

BY ROBERT P. MADER Of CONTRACTOR's staff

PHILADELPHIA — A federal grand jury has indicted 13 current or former Philadelphia plumbing inspectors for taking bribes from plumbing contractors for as long as 20 years. The inspectors, who worked for the city's Construction Services Department in the Department of Licenses and Inspections, were accused of taking bribes from \$5 to \$20 at a time, with the money concealed inside triplicate permit forms or palmed in handshakes.

The inspectors were arraigned in mid-March in U.S. District Court and entered not guilty pleas. A trial date has not been set.

U.S. Attorney Patrick L. Meehan announced the indictment, which calls the bribes a "systematic scheme of extortion of over \$169,000."

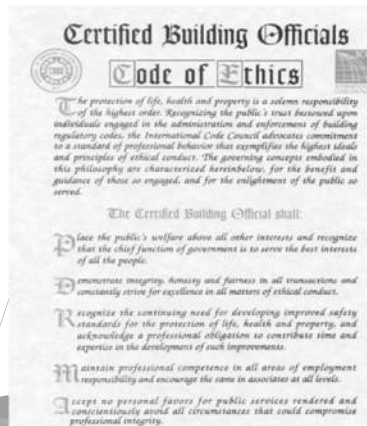
"This indictment represents an ongoing commitment by the U.S. Attorney's office and the FBI to prosecute systemic corruption by local government officials," Meehan said. He noted that the indictment charged local officials with misusing their office for personal gain. © 2016 Colorado Code Consulting, LLC

- Chicago plumbing inspectors fired for taking gift certificates.
- Philly plumbing inspectors convicted of taking bribes.

18

Code of Ethics

- International Code Council
- International City Manager's Association
- American Planning Associations



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Code of Ethics

- Code of Ethics is critical for maintenance of a department's credibility.
- It is very hard to overcome a reputation.
 - Chicago
 - New York City
- Management must stay in touch with staff...and visa versa.

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20

The Importance of Ethics

- Public Trust
- Democracy
 - Treat Citizens
 - Equally
 - Fairly
 - Honestly



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- Why do you think that ethics in government is important?
- What actions do you take to foster or further ethical behavior in your office?



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22

Commerce City official treats self well

List of luxuries isn't in line with metro counterparts

By CBS 4 News Reporter Brian Maass
SPECIAL TO THE NEWS

The city manager in Commerce City has bought \$200 and \$300 pens, ordered more than \$1,000 worth of flowers from his wife's flower shop and spent nearly \$250 on sheepskin seat covers for his city-owned SUV — charging it all to taxpayers.

And last year, the City Council rewarded Perry Vandeventer, who was hired in 1991 and is paid \$140,000 a year, with a \$21,000 bonus and an all-expenses-paid, booze-filled trip to Hawaii.

A review of three years of Vandeventer's spending reports by CBS 4 News shows a city manager who has grown his personal expenses far beyond his counterparts in similar jobs. Items and costs such as a \$2,000 pen, a \$1,200 for flowers from wife's flower shop and \$294 for a notebook and zipper carrier.



Among the purchases: A \$299 Sauter Imperial fountain pen in July 2003.

Vandeventer's credit card showed approximately \$25,000 spent last year on meals, travel, conference, housing, entertainment, pens, books and other items.

For example, Vandeventer charged a \$1,200 for flowers from his wife's flower shop in March 2009.

Perry Vandeventer's resume

■ 2001-present: City manager of Commerce City, population 22,000

■ 2000-2001: Acting city manager of Commerce City

■ 1995-2000: President, Tri-Town Fiscal, Longmont

■ 1987-1994: Chief professional officer, United Way of Santa Clara, Calif.

■ 1986-1987: Managing Partner, Vandeventer Consulting, Colorado

■ 1982-1986: Chief executive officer and chief financial officer of various oil and gas companies in Colorado



■ Watch Brian Maass' follow-up report on CBS 4 News tonight at 5 p.m.

- \$1,391 on six pens in 8 months
- \$247 sheepskin seat covers
- \$300 for Starbucks coffee cards
- \$214 for a briefcase
- \$1,200 for flowers from wife's flower shop
- \$294 for a notebook and zipper carrier

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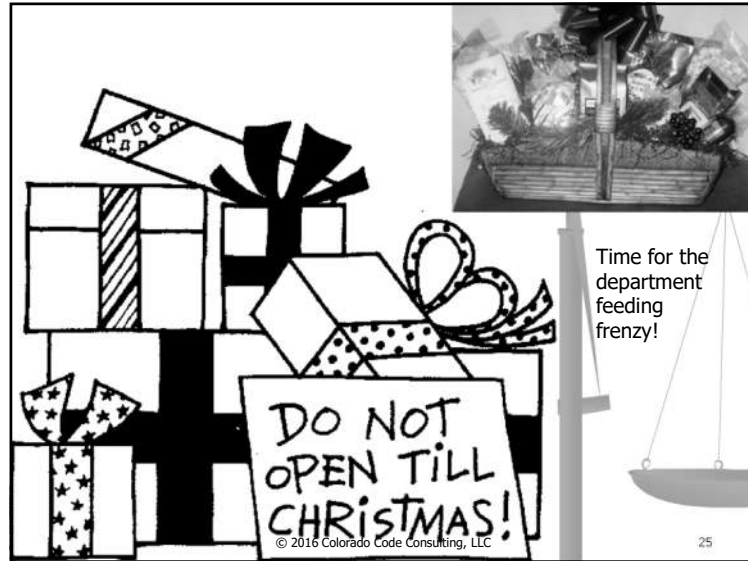
23

The Consequences of Unethical Behavior

It's Christmas time, and you are trying to get some plans approved in the building department where you live so that you can finish the new kitchen that you have been working on. You know that this approval process protects your safety, and you appreciate this requirement and the service you receive. You are hoping that you can complete the kitchen before your annual neighborhood party. You have taken an hour off from work to rush over to the county government building. As you enter, you see a huge line, mostly contractors and a few architects & engineers carrying huge bundles of building plans. The office is decorated for Christmas: pretty lights, a small tree, and three or four gift baskets. While you are milling around waiting for your turn, you see that the gift baskets are from the Arnold Construction Company, Burton Roofing, and Jon and Associates Electrical. What are you now thinking?

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The Consequences of Unethical Behavior

- You have just started to work for the city. You are really excited about this opportunity because it is your first chance to supervise a team of other community planners. You are anxious to learn all about the neighborhoods in the city, and you ask your staff members to gather statistics about crime, housing stock, and the number of code enforcement violations. The most senior team member reports back to you that she has looked and talked to other city staff members and found that there are no statistics on the condition of the housing stock. At the time, you think that this is a little unusual, but you have faith in your staff. About a month later, you are reading through a file left in your office and you discover the statistics you are looking for in a memo. The memo had a large distribution list, including the staff person you originally asked. What are you now thinking?

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The Consequences of Unethical Behavior

- Lack of trust among staff
- Cynicism about government
- Lowered staff morals
- Public safety jeopardy
- Government work left unfinished
- Waste of government resources
- Citizens and staff not treated fairly in terms of public and personnel decisions
- The best decisions left unmade

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28

The Personal Ethics Quiz

- A fellow employee who is a friend of yours has been taking petty cash. You have some knowledge of your friend's actions. What would you do?
 - You tell the appropriate authority what you know.
 - You keep quiet because you do not want your friend to get into trouble over such a small matter.



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The Personal Ethics Quiz

- A prominent developer is about to put up a new housing development. You and your spouse would love to buy one of these premier homes. The trouble is timing. You have just sold your house and need to move quickly. You casually mention this to the developer, whom you know well from your work in the building department. He offers to rent you another unit temporarily at a really good price while he builds your home.
 - You thank the developer but turn down the offer.
 - You accept the temporary low-rent unit because you do not anticipate that any issues involving the developer will come before the council in the next year.



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The Personal Ethics Quiz

- You have just found out that many building inspections were not completed, even though they were reported as completed in the computer. The building inspector who falsified the inspection reports left the city months ago.
 - You keep the problem to yourself because the inspector has left the city and you don't want to damage the department's reputation.
 - You immediately inform the building official and propose schedule shifts including overtime to catch up on the inspections.

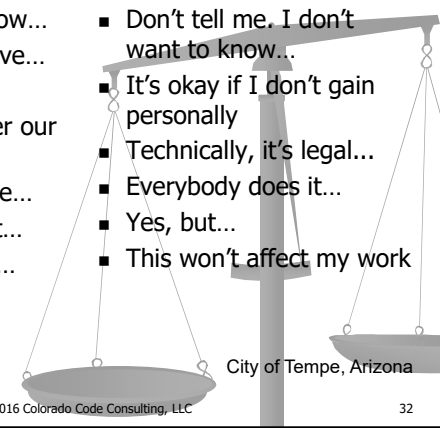


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31

The Warning Signs

- No one will ever know...
- I can still be objective...
- I deserve it...
- Let's keep this under our hats...
- Oh, don't be a prude...
- They'll never miss it...
- They had it coming...
- Don't tell me. I don't want to know...
- It's okay if I don't gain personally
- Technically, it's legal...
- Everybody does it...
- Yes, but...
- This won't affect my work

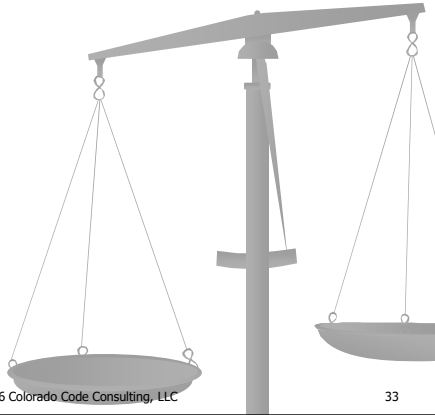


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32

The Ethical Decision Making Process

- Phase 1
 - Understand the Issue
- Phase 2
 - Determine the Options and Consequences
- Phase 3
 - Take Action

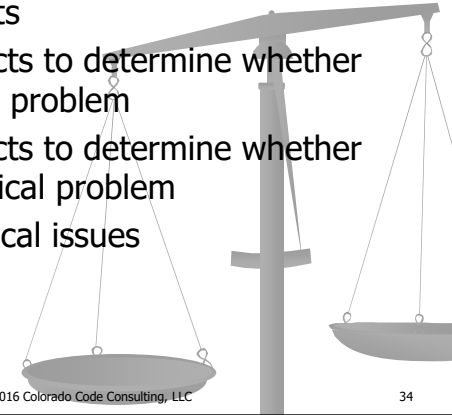


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Phase 1: Understand the Issues

- Gather the facts
- Analyze the facts to determine whether there is a legal problem
- Analyze the facts to determine whether there is an ethical problem
- Define the ethical issues



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Theory of Utility

- Will this action provide the greatest good for the greatest number of people?



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Theory of Rights

- Will this action respect individual rights such as life, freedom, privacy, and property?



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Theory of Justice



- Will this action be just?
- Will it ensure or promote such things as fairness, impartiality, and equity?

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Phase 2: Determine Options and Consequences

- Determine whether there are options
- List the options
- Understand the consequences of each option



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Consequences



Will I need medication to sleep at night?

- Will this option violate any existing code of ethics?
- Does this option conform to my own values?
- Does this option conform to my community's values?

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Consequences



- How will this option affect the local government?
- How will this option affect other (staff, citizens, businesses, etc.)
- Will this option harm my profession?

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Consequences

- Will either a family member or I gain personally or avoid a negative consequence as a result of this option?
- What will be the public perception of this option?

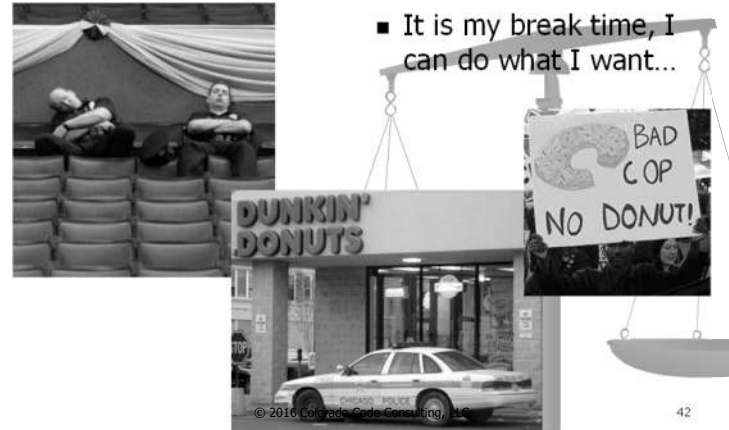


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Consequences – Public Perceptions

- It is my break time, I can do what I want...



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Phase 3: Take Action

- Reach a conclusion
 - Would I feel comfortable reading about my decision in the newspaper?
 - How would I explain my decision to a newspaper reporter?



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The Ethical Decision Making Process

- As the building official, you accidentally discover that a building inspector has submitted inspection results (mostly approvals) for buildings he did not inspect. Your further investigation has produced convincing evidence that the employee has engaged in misconduct for which he could be fired. When you inform him of your evidence and its consequences, he threatens to go to the newspaper with the full story if you fire him.



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44

Lakewood To Foot Bill For Crash

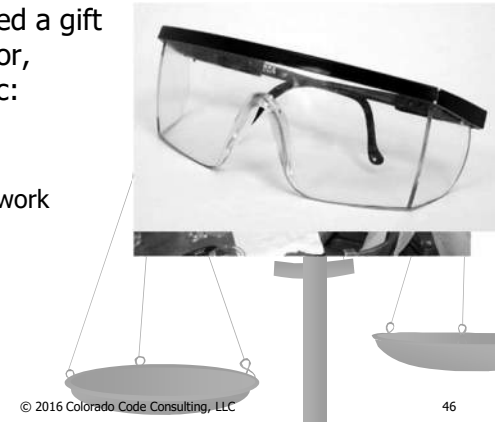
Official's wife driving city vehicle caused I-25 wreck

- LAKEWOOD - A four-car accident caused by the wife of City Manager Mike Rock while she was driving his city-owned pickup will cost taxpayers nearly \$9,000. That figure includes the cost of repairs to three of the four vehicles and rental vehicles for two of the other drivers. The fourth car was undamaged. The city, which is self-insured, will bear the cost, said Ken Milano, Lakewood's employee relations director. The claims, including vehicle repair and rental car use, total \$8,846. Repairs to Rock's city-owned 2004 Chevrolet Silverado are included in the total. In an accident report filed with the city, Rock stated that his wife, Patricia L. "Trish" Layton, was driving the Silverado "because of allergy problems." Mayor Steve Burkholder said last week Layton was driving the vehicle because Rock was in a lengthy meeting the mayor also attended. When asked Wednesday about the accident report, Rock said his allergies at times cause his eyes to swell and he can't drive.

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Charley Able, Rocky Mountain News - May 25, 2005 45

Some Common Examples

- You are offered a gift by a contractor, developer, etc:
 - Donuts
 - Tickets
 - Drinks after work
 - Equipment



Some Common Examples

- Your jurisdiction:
 - Neighbor building without permit.
- Not your jurisdiction:
 - Neighbor building without a permit.



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47

Components of an Ethical Framework

- Leadership
 - Style
 - Systems that support employees
 - Identification of goals
- Organizational values and norms
- Ethical guidelines



Components of an Ethical Framework

- A code of ethics
- Human resource systems
 - Hiring
 - New employee orientation
 - Additional ethics training
 - Performance evaluation
- Ethics counselors and advisors

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49

Lawmaker Ethics?

- Hole-in-one loophole?
- A new law approved this year prohibits Colorado lawmakers from accepting cash gifts. But Rep. **Bill Berens** may have come across a loophole.
- He accepted a check last month for \$20,000 from the Colorado Oil & Gas Association. The memo on the check reads: "Hole in one prize." Berens sunk a hole-in-one during the August COGA golf tournament in Larkspur. What luck, eh? Maybe not.
- "It may be true that he may not be in violation of the letter of the law. However, here's where the confusion and suspicion comes up: Why is he listing it on his gift disclosure form?" asked Sen. **Ron Tupa**, who wrote the bill banning cash gifts. "I've been in office for 12 years and have never seen anyone listing something they've won."

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50

Lawmaker Ethics



- **WASHINGTON** - A land deal involving Rep. Rick Renzi (news, bio, voting record), R-Ariz., is being scrutinized by the U.S. attorney's office in Arizona, a law enforcement official in Washington said Tuesday.
- Records and officials involved in the October 2005 deal say Renzi helped promote the sale of land that netted a former business partner \$4.5 million.

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51

Ethics in Action

- There are many paths to the top of the mountain, but the view always remains the same. (Chinese proverb)



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52

Additional Resources

- The Ethics Edge
 - ICMA
- Ethics in America
 - Lisa H. Newton
 - Columbia University
- Ethics in America video series
 - Fred W. Friendly
- Seven Habits of Highly Effective People
 - Stephen Covey

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53

Questions?

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54