



HCPO 2024

BALANCING CHANGE IN
A DYNAMIC LANDSCAPE



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BALANCING CHANGE IN
A DYNAMIC LANDSCAPE

Got Ethics?

What Would You Do?

Leo Asuncion, AICP

Cynthia Bowen, FAICP

Agenda

- Refresher on Planning Ethics
- Overview of 2023 Case / Inquiry Activity
- Engagement Activity: Ethical Scenarios
 - Conflict of Interest / Responsibility to Employer
 - Planners in Difficult Positions
 - Planners as Community Volunteers
 - Gentrification / NIMBY
- Q & A



Panelists

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Test Question!

What sector do you
work in?

0 responses

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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, Ralph Willmer, FAICP** (ph: 312-786-6360; email: ethics@planning.org).



AICP Code of Ethics Pledge



THE AMERICAN PLANNING ASSOCIATION'S
Professional Institute
**American Institute
of Certified Planners**
Code of Ethics
and Professional Conduct
Making Great Things Happen

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 TO WHICH WE ASPIRE ARE:	OUR RULES OF CONDUCT ADDRESS THE FOLLOWING:
■ To continuously pursue and faithfully serve the public interest ■ To do so with integrity ■ To work to achieve economic, social, and racial equity ■ To safeguard the public trust ■ To improve planning knowledge and increase public understanding of planning activities	■ Quality and integrity of practice ■ Conflicts of interest ■ Improper influence/abuse of position ■ Honesty and fair dealing ■ Responsibility to employer ■ Discrimination/harassment ■ Charges of misconduct

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 _____, AICP Certified Planner No. _____

This AICP Ethics certificate is available for download from planning.org/ethics.

APA's Ethical Planning Principals

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



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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.

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**



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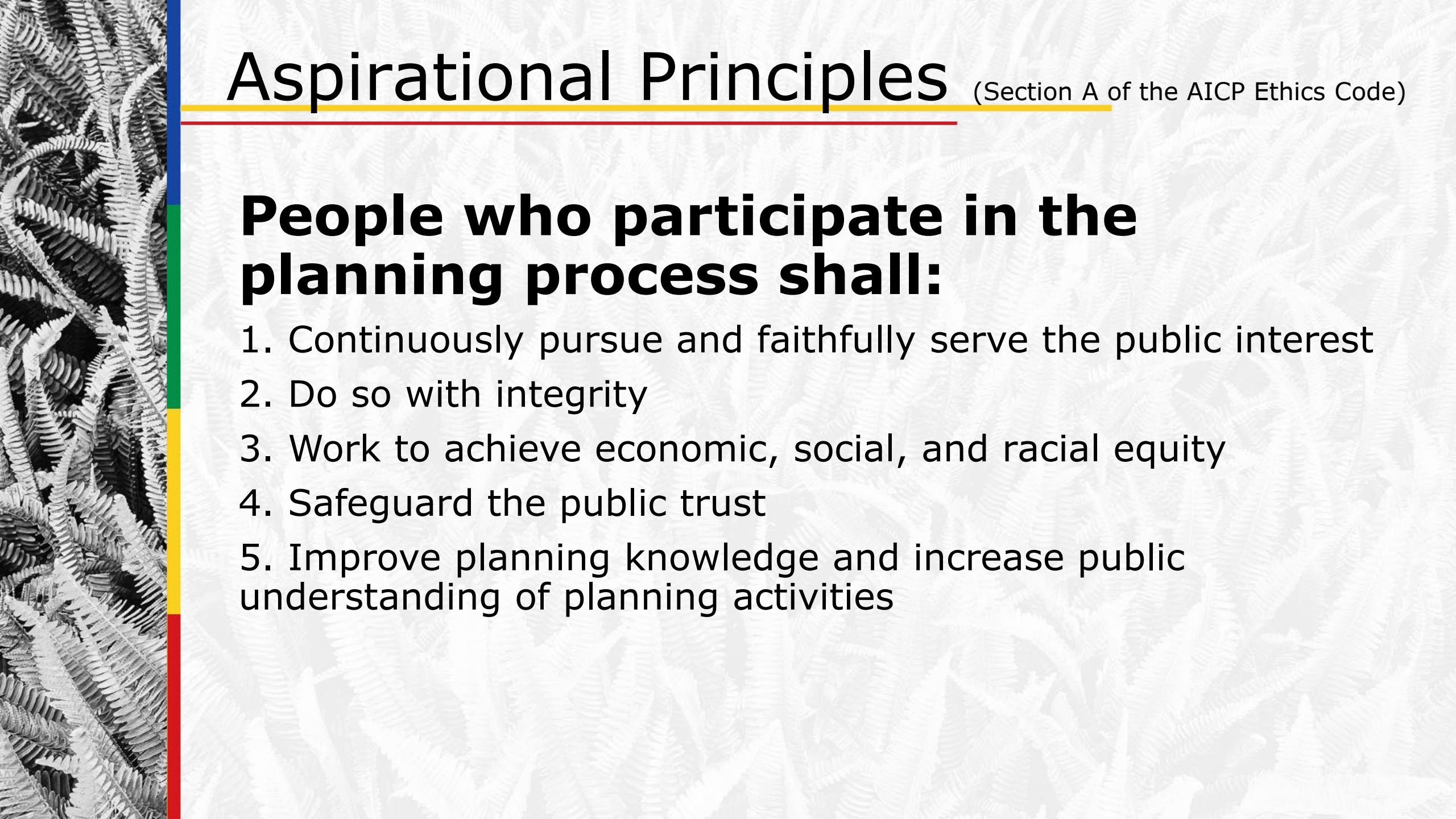


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AICP Code of Ethics and Professional Conduct

GRAB YOUR PHONE. GO TO:
www.planning.org/ethics/ethicscode

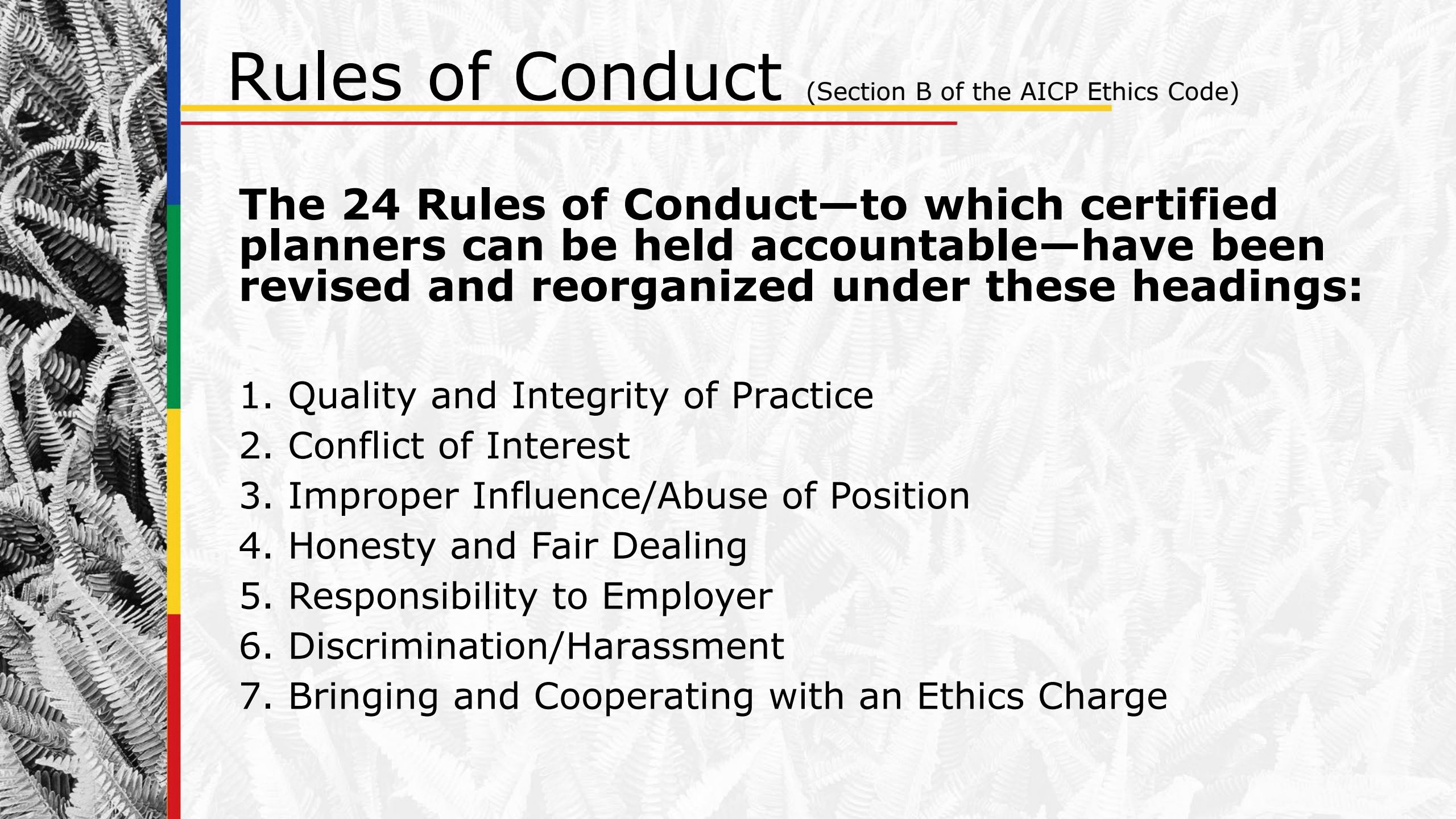
Adopted March 19, 2005



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

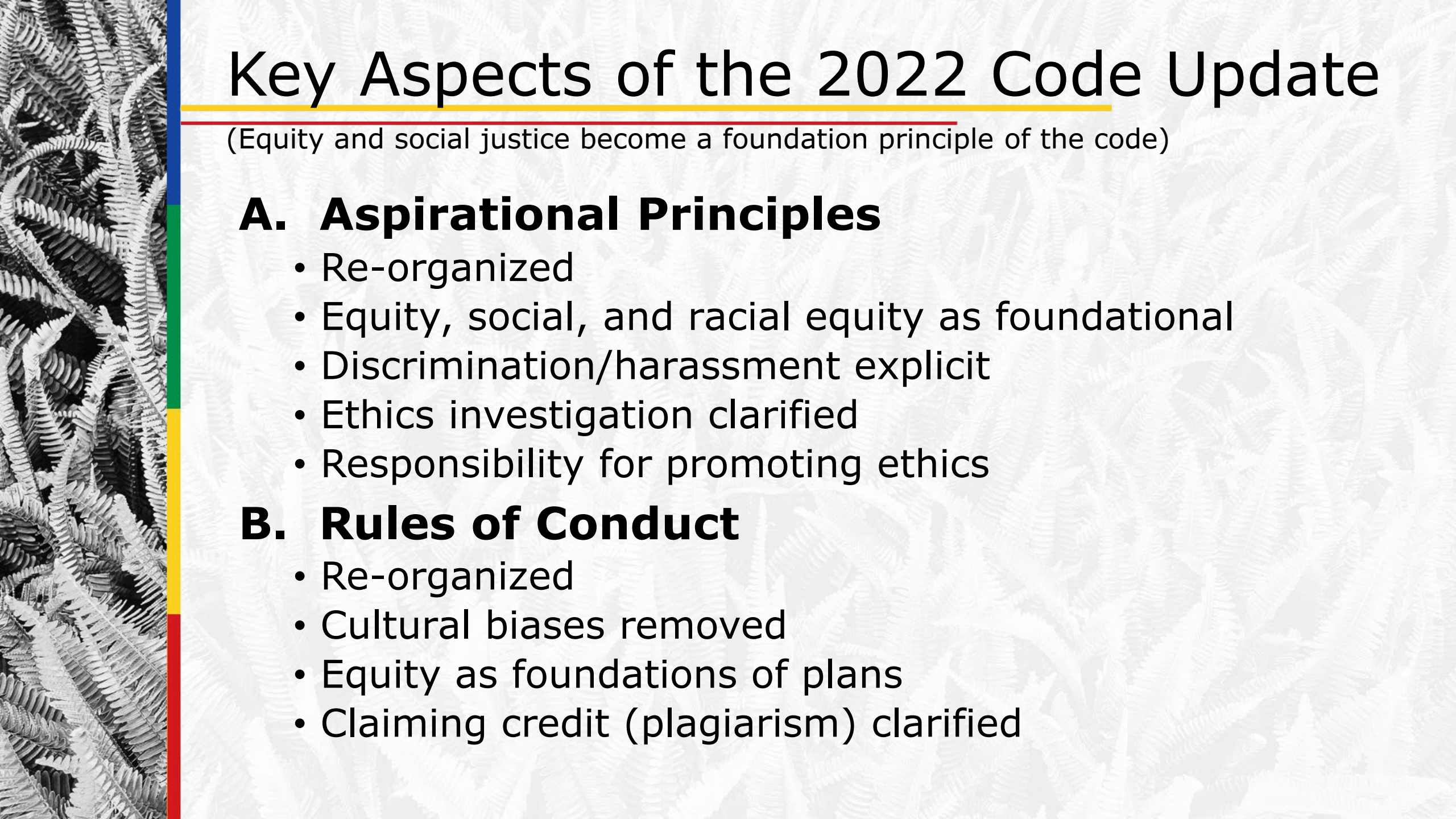


Rules of Conduct

(Section B of the AICP Ethics Code)

The 24 Rules of Conduct—to which certified planners can be held accountable—have been revised 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



Key Aspects of the 2022 Code Update

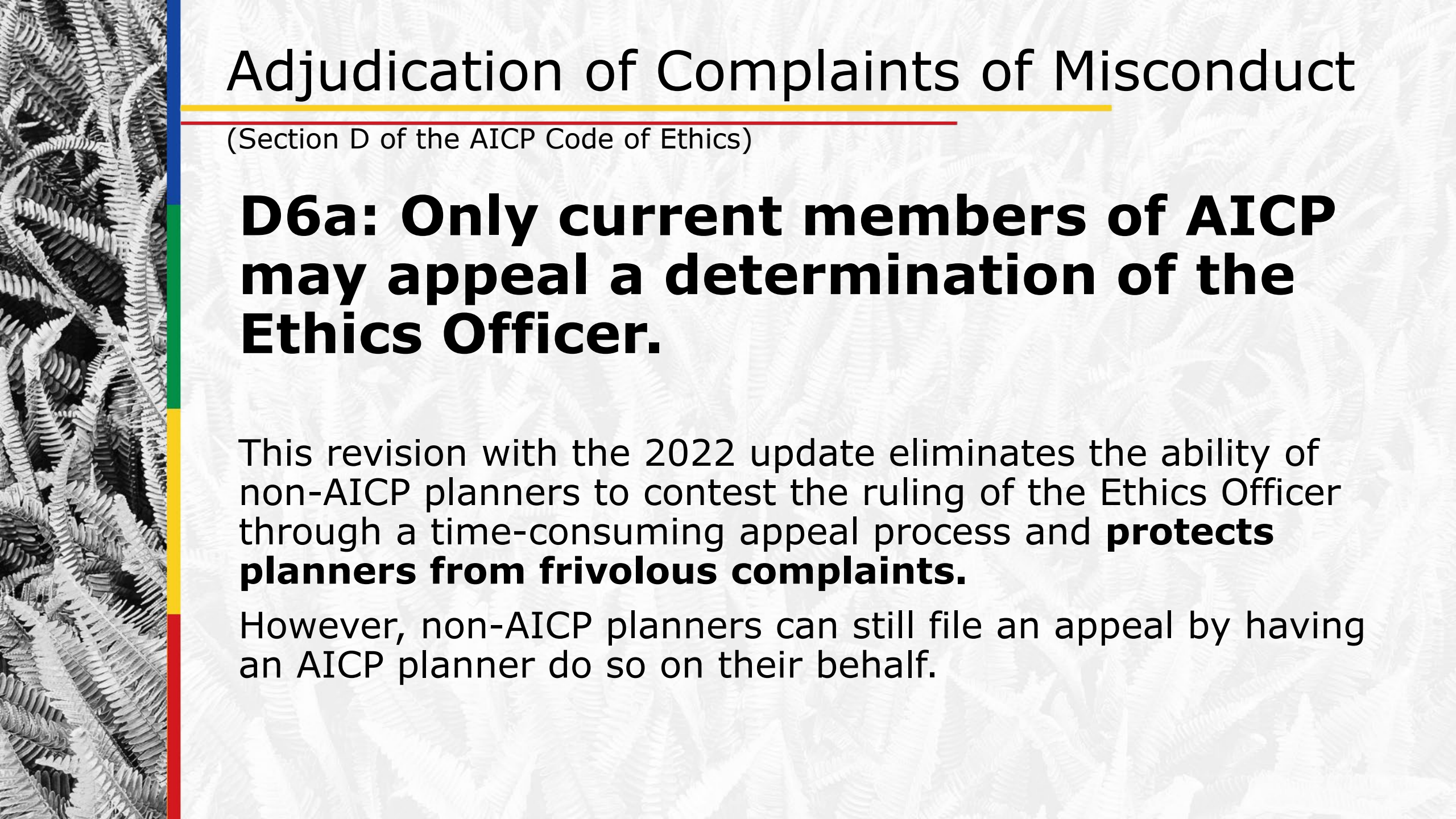
(Equity and social justice become a foundation principle of the code)

A. Aspirational Principles

- Re-organized
- Equity, social, and racial equity as foundational
- Discrimination/harassment explicit
- Ethics investigation clarified
- Responsibility for promoting ethics

B. Rules of Conduct

- Re-organized
- Cultural biases removed
- Equity as foundations of plans
- Claiming credit (plagiarism) clarified



Adjudication of Complaints of Misconduct

(Section D of the AICP Code of Ethics)

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

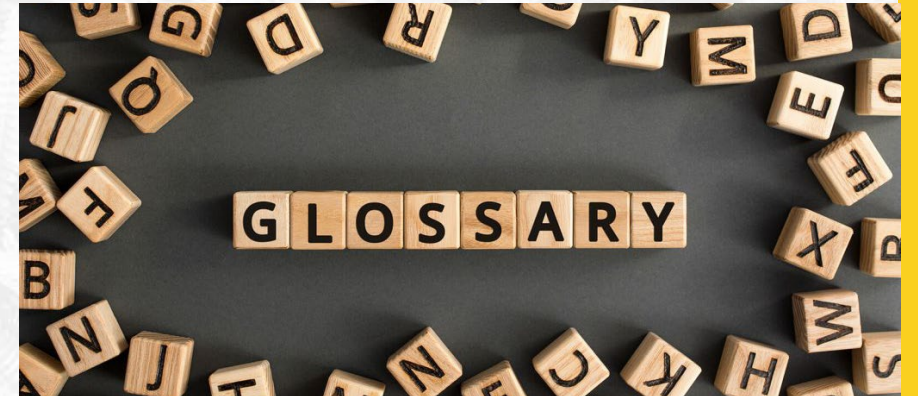
This revision with the 2022 update eliminates the ability of non-AICP planners to contest the ruling of the Ethics Officer through a time-consuming appeal process and **protects planners from frivolous complaints.**

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

Glossary

(September 2022)

A new feature to assist planners in understanding the language and the intent of the *AICP Code of Ethics and Professional Conduct*, as related to Diversity, Equity, and Inclusion.



Ethical Misconduct Cases in 2023

**108 inquiries for informal
advice**

28 new complaints filed

**42 Resolved and Ongoing
Misconduct Cases**

- **17 cases under various states of review**
- **18 cases dismissed by the Ethics Officer**

No justification to file a charge or planner not AICP



Ethical Misconduct Cases in 2023

8 Cases Resolved (including carryovers from 2022)

- Cease and desist letters issued (3 cases) for misuse of the AICP credential
- Preliminary Determination that a violation occurred for inappropriate references to indigenous populations in presentation at NPC23 (Rules 1 & 20)
- Confidential Letters of Admonition (3 cases) for:
 - plagiarism – Rule 16
 - inappropriate postings on social media (Rules 6 & 20)
 - comments made at an APA-sponsored meeting (Rule 20)
- Public Letter of Admonition and Revocation of FAICP credential (1 case) for sexual harassment upheld on appeal to the Ethics Committee



Ethics Topics in 2023

Ethics Cases/Calls—By Topic Areas 2023



*(State/local issues; general planning advice; HR issues; AI; ethics complaint process; aspirational principles)

Cases / Inquiries of the Year

The following scenarios were based on misconduct complaints or informal inquiries reviewed by the Ethics Officer and the Ethics Committee in 2023.

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





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Scenario 1

Conflict of Interest / Responsibility to
Employer

Scenario 1: Marijuana & Conflict of Interest

Lilly, AICP, is a planning consultant living in the Town of Suarez.

Accused of working two jobs without notifying her employer at the time, the Town of Suarez.

Also charged with conflict of interest because she had a contract with a marijuana company



Scenario 1: Marijuana & Conflict of Interest (cont'd)

Lilly explained that she was a consultant for Suarez and not a fulltime employee.

- She did not approve permits, just worked as a Zoning Official
- She provided guidance on keeping the zoning code consistent with the comprehensive plan.
- She was hired by the marijuana company to site a retail store in the Town.
- There was only a 2-month overlap of her clients.

Scenario 1: Question

Did Lilly have a conflict of interest because of her work for a marijuana business and consulting with the Town?

0%

Yes

0%

No

0%

Unsure

Scenario 1: Question 2

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Does the time period of overlap in the two clients matter?



Yes 0% No 0% Not Sure 0%

Content

Your question ?

Does the time period of overlap in the two cli

Additional details

Longer description shown on your audience's phones

Your description

Options ?

Yes ×

No ×

Not Sure ×

+ Add

Extras

Choose correct answers ? ☐

Show responses as percentage ? ☒

Let participants submit multiple options ☐

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Scenario 1: Question 3

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Which Aspiration Principle(s) might apply? (part A)

0 responses

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Scenario 1: Question 4

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**Which section(s) of
the Code of
Conduct might
apply? (part B)**

0 responses

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Outcome of Scenario 1

In this real-life case, on which this scenario is based, the EO dismissed the charge after evidence was presented that Lilly was a **consultant and not a direct employee** of either the Town or the marijuana company. Further, she was not writing new zoning code on behalf of the marijuana business.





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Scenario 2

Planners in Difficult Positions

Scenario 2: Planners in Difficult Positions

John, AICP, is a Senior Planner in Bluesville. He has been tasked with conducting a review of a large development project and preparing a staff report.

- Identifies several issues and includes them in the staff report
- Developer asks Yoko, AICP, the Bluesville Planning Director, to remove some of the recommended changes and conditions.
- Yoko asks John to make those changes.
- John is reluctant to do so since his name is on the report.
- Yoko insists that John makes the requested changes.
- John asks that his name be removed from the report.



Scenario 2: Question 1

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What Aspiration Principles might apply to this situation? (part A)

All responses to your question will be shown here

Each response can be up to 200 characters long

Turn on voting in Interactivity to let participants vote for their favorites



Content

Question title ⓘ

What Aspiration Principles might apply to this situation?

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Subheading

Extras

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Scenario 2: Question 2

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What points of the Code of Conduct (part B) might apply here?

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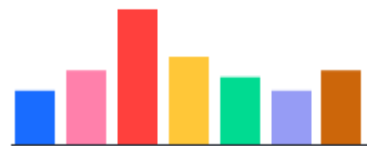
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Outcome of Scenario 2

Ethics Officer advised John to work with his supervisor to incorporate necessary comments and conditions to the staff report to **accurately address outstanding issues**. He could also talk to the Town Attorney to express concern regarding potential liability (ADA was one of the issues involved). He could also **document his actions in a memo to the file** in case someone filed an ethics complaint against him. Ultimately his name remained on the report but some of his concerns were addressed.



Scenario 2: Question3

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What are your options/possible reponses if given orders by your Mayor (not AICP) to change the report and if you didn't, you could lose your job?

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Scenario 2: Question 4

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What do you do if you are a junior level planner without a direct supervisor, because your a one person department or the director position is vacant?

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Each response can be up to 200 characters long

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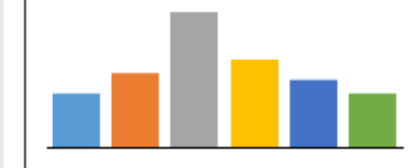
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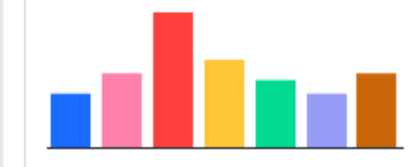
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Scenario 3

Planners as Community Volunteers

Scenario 3: Planners as Community Volunteers

- Catherine, AICP, lives in the City of Bauer where she is a planner. She has been asked by the mayor to serve on the Habitat for Humanity Affordable Housing Committee as a city representative.
- Ethel, AICP, lives and works for the City of Elmerwoods and is concerned about a zoning proposal regarding setbacks and dimensional requirements being presented at a public hearing in her neighborhood.



Scenario 3: Question 1

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Should Catherine accept an appointment to the affordable housing committee? Why or Why not?

All responses to your question will be shown here



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Scenario 3: Question 2

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Should Ethel comment on the zoning proposal at the public hearing in her town? Why or Why Not?

All responses to your question will be shown here



Each response can be up to 200 characters long

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Scenario 3: Question 3

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What Aspirational Principles could apply in this situation? (part A)

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Scenario 3: Question 4

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What points of the Code of Conflict could apply? (part B)

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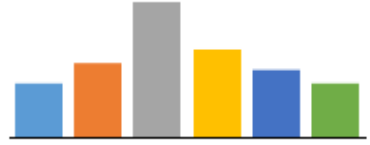


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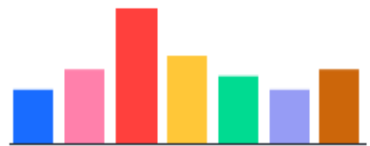
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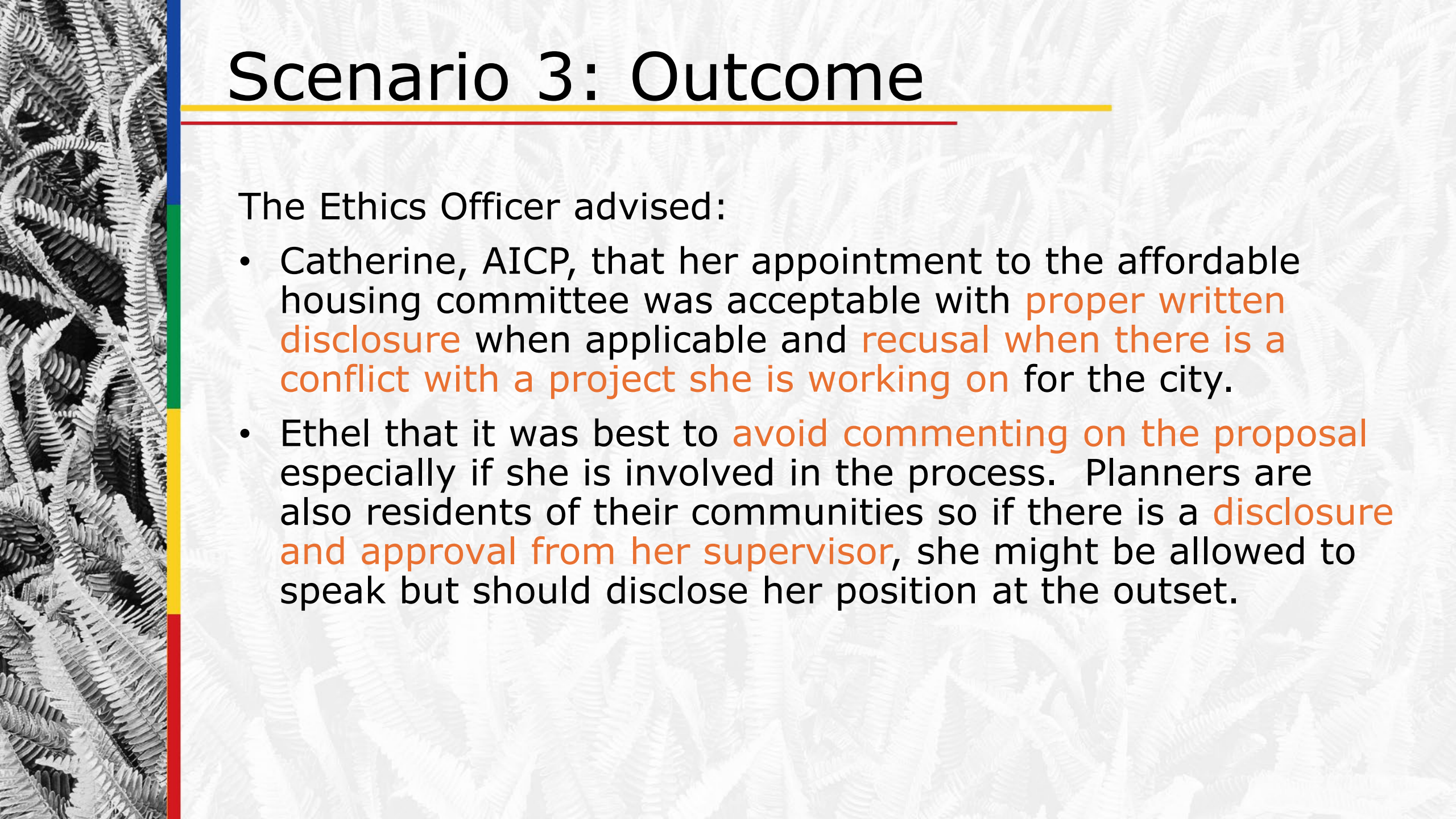
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Scenario 3: Outcome

The Ethics Officer advised:

- Catherine, AICP, that her appointment to the affordable housing committee was acceptable with **proper written disclosure** when applicable and **recusal when there is a conflict with a project she is working on** for the city.
- Ethel that it was best to **avoid commenting on the proposal** especially if she is involved in the process. Planners are also residents of their communities so if there is a **disclosure and approval from her supervisor**, she might be allowed to speak but should disclose her position at the outset.



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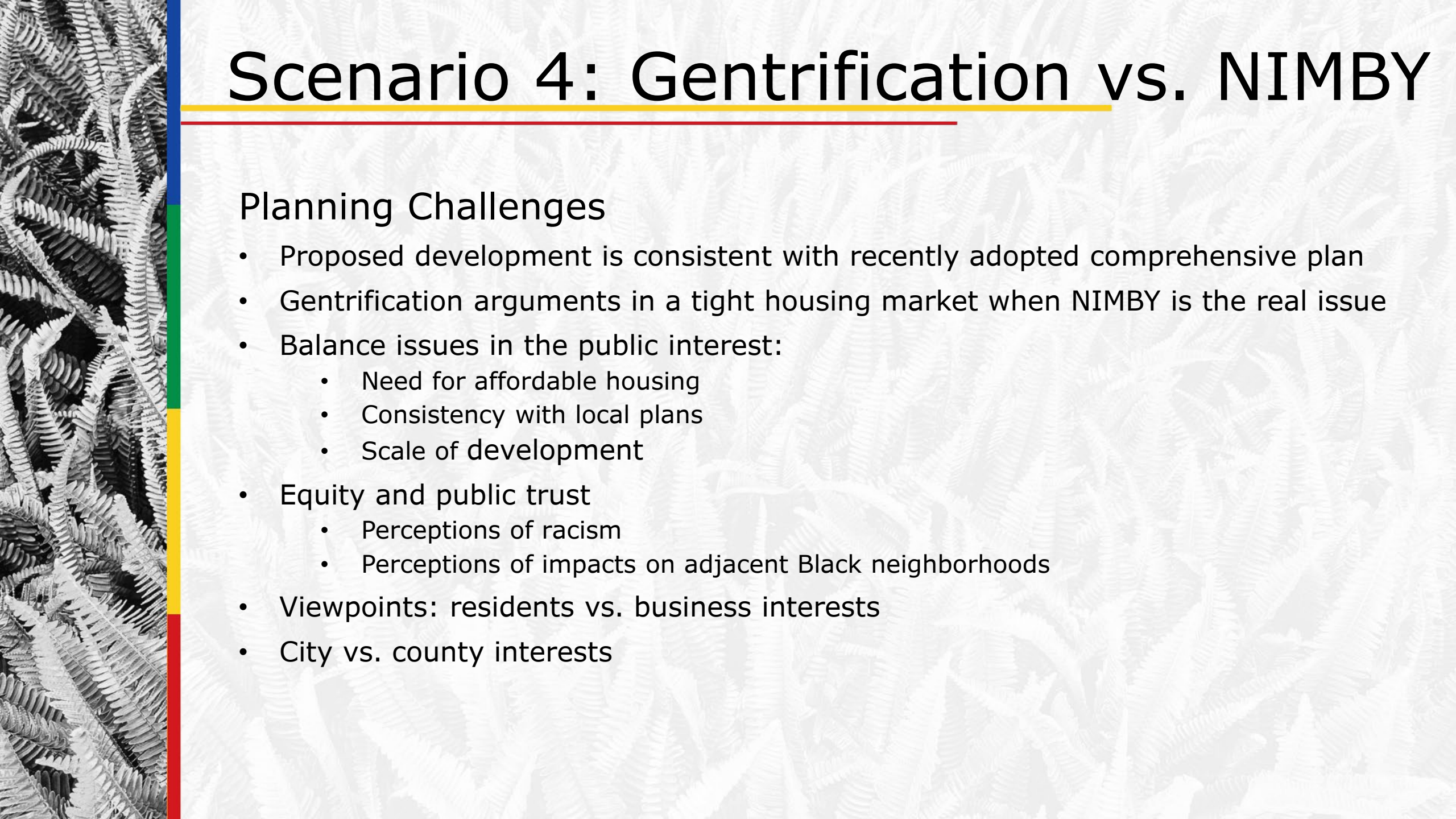
Scenario 4

Gentrification vs. NIMBY

Scenario 4: Gentrification vs. Nimby

- Fannie is an AICP planner in the City of Williams.
- She receives an application for a mixed-use development:
 - **254 rental units** with **10% affordable units at 80% AMI**
 - **30,000 sq. ft. of commercial space**, of which **10% will be leased at below market rates**
 - a public park and infrastructure improvements
- Over the course of 2 years, there were nearly 15 public meetings held by the neighborhood groups, the city council, and the county council.
- Fannie faces strong political pressure from both **opponents and supporters** to recommend **for their position** on the proposal.





Scenario 4: Gentrification vs. NIMBY

Planning Challenges

- Proposed development is consistent with recently adopted comprehensive plan
- Gentrification arguments in a tight housing market when NIMBY is the real issue
- Balance issues in the public interest:
 - Need for affordable housing
 - Consistency with local plans
 - Scale of development
- Equity and public trust
 - Perceptions of racism
 - Perceptions of impacts on adjacent Black neighborhoods
- Viewpoints: residents vs. business interests
- City vs. county interests

Scenario 4: Question 1

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What Aspirational Principles would apply to guide Fannie in this situation? (part A)

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Scenario 4: Question 2

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What points of the Code of Conduct could guide Fannie? (part B)

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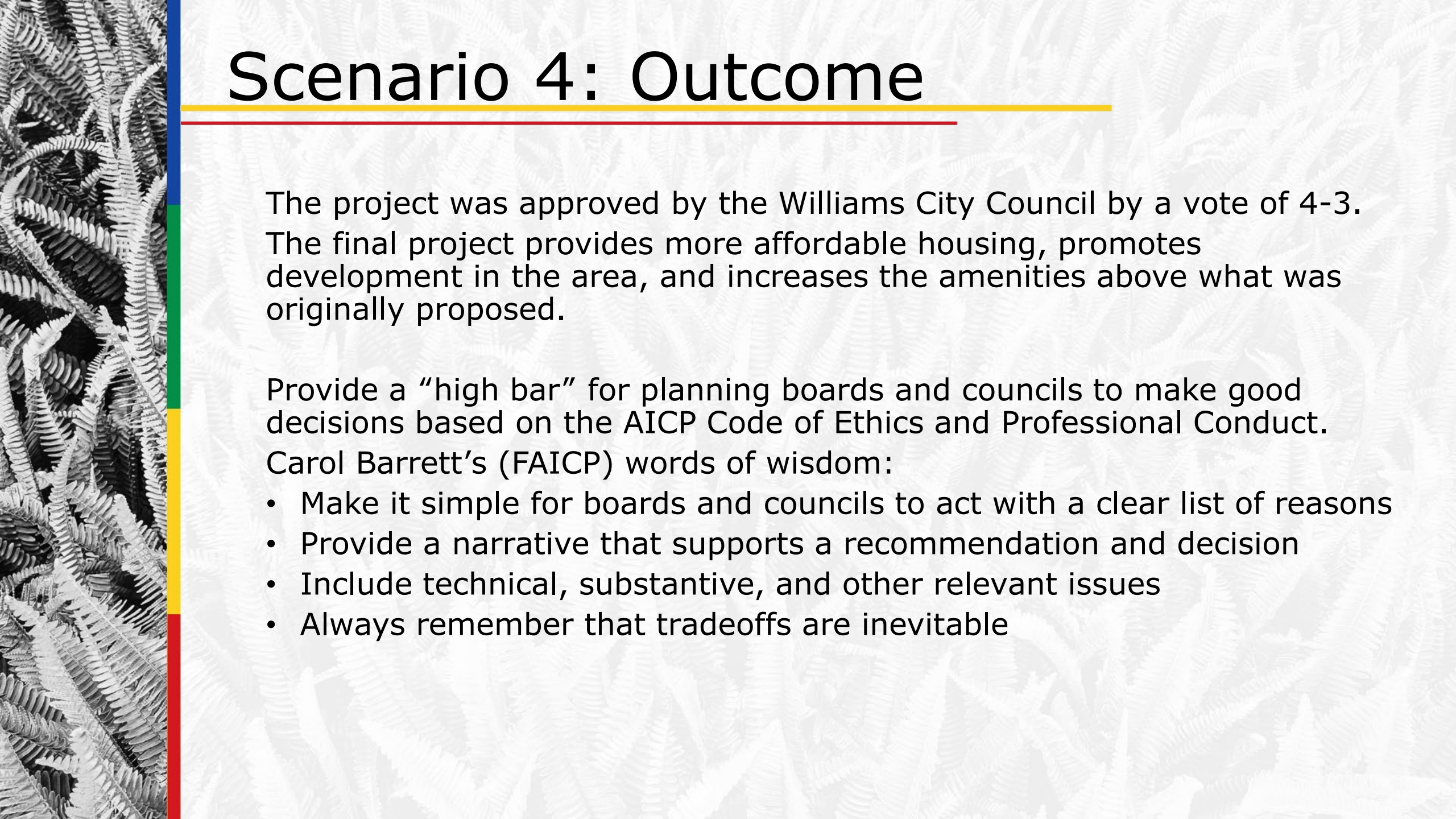
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Scenario 4: Outcome

The project was approved by the Williams City Council by a vote of 4-3. The final project provides more affordable housing, promotes development in the area, and increases the amenities above what was originally proposed.

Provide a “high bar” for planning boards and councils to make good decisions based on the AICP Code of Ethics and Professional Conduct.

Carol Barrett’s (FAICP) words of wisdom:

- Make it simple for boards and councils to act with a clear list of reasons
- Provide a narrative that supports a recommendation and decision
- Include technical, substantive, and other relevant issues
- Always remember that tradeoffs are inevitable



Q&A

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Final Note

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

AICP Ethics Committee

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Anna Breinich, FAICP

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Arlova Vonhm, AICP

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THANK YOU FOR PARTICIPATING!

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