



BUSINESS

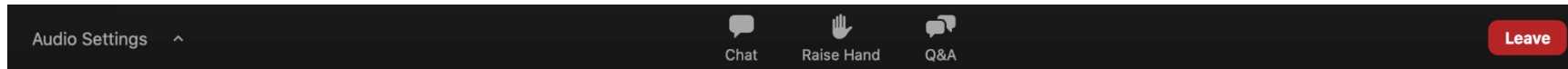
# Ethics 101

ETHICS

for Stormwater & Erosion Control Professionals

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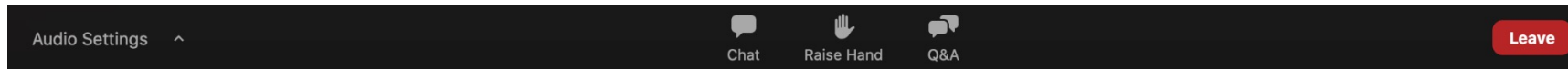
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# Bioretention Done Right

0.25 CEUs/2.5 PDHs



**Doug Beyerlein**

Co-Founder, Clear Creek Solutions

This course will discuss how bioretention systems are designed, how different engineered soil media impact the movement of stormwater runoff through the engineered soil layers, and how this is typically modeled. Modeling assumptions, good and bad, will be identified along with their potential impact on bioretention facility sizing and effectiveness in providing water quality treatment.



# David T. Williams

**PhD, PE, PH, CFM, CPESC,  
D.WRE, F.EWRI, F.ASCE**

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# Now Hear This!

- This is not legal advice—it is a lecture on general principles of being an expert witness.
- For legal advice, see a lawyer licensed in your jurisdiction.



# Why Can David Teach This Course?

- 1 week Federal Course on Equal Employment Opportunity Counseling which included ethics for managers and employees
- Federal Equal Employment Opportunity Counselor
- Asian and Pacific Islander Program Manager at the USACE
- Has taught this course for such entities as:
  - Floodplain Management Assoc., International Erosion Control Assoc., and Illinois Assoc. for Floodplain and Stormwater Management
  - American Society of Civil Engineers/Environmental Water Resources Inst.
  - City and County of Dallas
  - Numerous flood control agencies and counties
  - Forester University and Red Vector (webinar based instruction)
- Southern Baptist Preacher
- Ordained Minister

# Ethics 101: Outline

- Philosophy of this Presentation
- Definitions of Codes/Ethics
- Use of PLUS Acronym
- Review of CPESC Code of Conduct and Ethics
- Review of Maricopa County, AZ Code of Ethics
- Gut Checks
- Scenarios



# David's Philosophy on Teaching Professional Conduct and Ethics

- This is not a “what you should do” presentation
- You will be presented with “hard” rules as well as interpretative rules
- What is presented is a PROPOSED framework to guide your judgment
- You will be given ideas on what to think about when you are in conduct and ethical challenging situations
- Ethical conduct can be different for employees of various entities – Governmental, Academia, Private Practice
- For you to have a good conduct and ethical life, ask yourself the simple questions first, and then act based upon a honest self evaluation – you will sleep well!

# David's Haiku Poetry for the Day

Rules of Haiku:

- Three lines consisting of 5, 7 and 5 syllables for the 3 lines.
- No need to rhyme.



**Boss paid for conference**

**Golf or go to dull sessions?**

**Ethics Dilemma!**

# Code of Conduct / Ethics Definitions

- There is a subtle difference between Conduct and Ethics – you can have bad conduct that can be interpreted as “non-unethical”.
- A set of rules to guide behavior and decisions in a specified situation (wiktionary.org)
- A set of conventional principles and expectations that are considered binding on any person who is a member of a particular group (thefreedictionary.com)
- A set of principles of conduct within an organization that guide decision making and behavior (uslegal.com)

# Review of Codes of Conduct and Ethics

- We will look at 2 categories of codes
  - **Professional Certification** – e.g., Certified Professional Erosion Sediment Control (CPESC)
  - **Governmental Codes** – Maricopa County, AZ
- We will also go over scenarios that cover workplace conduct, working with other employees, working with other professionals outside of the workplace, and conduct on a personal basis.



# An Acronym to Prod your Conscience! P.L.U.S

Source: Ethics Resource Center

- **P = Policies**

Is it consistent with my organization's policies, procedures and guidelines?

- **L= Legal**

Is it acceptable under the applicable laws and regulations?

- **U = Universal**

Does it conform to the universal principles/values my organization has adopted?

- **S= Self**

Does it satisfy my personal definition of right, good and fair?

# CPESC Code of Conduct and Ethics

Paraphrased for Brevity

<http://www.cpesc.org/cc-policy/ethics.asp>

- **Article I. General Principles**

- The registrant has obligations of morality and responsibility as well as professional knowledge.
- Agrees to be guided by the highest standards of ethics, personal honor, and professional conduct.
- Agrees to obtain full knowledge of the local rules and regulations for the locations where they practice
- Assure their competency for any technical variables or any specialized requirements for the geographical region prior to practice.

- **Article II. Relation of Professional to the Public**

- Shall avoid and discourage sensational, exaggerated, and/or unwarranted statements
- Shall not knowingly permit the publication of his or her reports or other documents for any unsound or illegitimate undertaking.
- Shall not give professional opinion or make a recommendation without being as thoroughly informed.
- May publish dignified business, professional, or announcement cards, but shall not advertise his or her work or accomplishments in a self-laudatory, exaggerated, or unduly conspicuous manner.
- Shall not issue a false statement or false information even though directed to do so by employer or client.

- **Article III. Relation of Professional to Employer and Client**

- Shall protect the interest of their employer or client insofar as such interest is consistent with the law and his or her professional obligations and ethics.
- A Registrant who finds that his or her obligations to their employer or client conflict with his or her professional obligation or ethics should have such objectionable conditions corrected or resign.
- A Registrant shall not use any employer's or client's information in any way that would violate the confidence of the employer or client.
- A Registrant retained by one client shall not accept, without client's written consent, an engagement by another if the interests of the two are in any manner conflicting.



- **Article III. Relation of Professional to Employer and Client**

- A Registrant who has made an investigation for any employer or client shall not seek to profit economically from the information gained, unless written permission to do so is granted, or until it is clear that there can no longer be a conflict of interest with the original employer or client.
- Shall not divulge information given in confidence.
- Shall engage, or advise his employer or client to engage, and cooperate with other experts and specialists whenever the employer's or client's interests would be best served by such service.
- A Registrant shall not accept a concealed fee for referring a client or employer to a specialist or for recommending professional service other than one's own.

- **Article IV. Relation of Professionals to Each Other**

- Shall not falsely or maliciously attempt to injure the reputation of another.
- Shall freely give credit for work done by others to whom the credit is due, shall refrain from plagiarism in oral and written communications, and not knowingly accept credit rightfully due another person.
- Shall endeavor to cooperate with others in the profession and encourage the ethical dissemination of technical knowledge.
- A Registrant having knowledge of unethical practices of another Registrant shall avoid association with that Registrant in professional work

- **Article V. Duty to the Profession**

- Shall aid in exclusion from certification those who lack moral character, who have not followed this Code of Ethics, or who do not have the required education and experience.
- Shall uphold this Code of Conduct and Ethics by precept and example and encourage, by counsel and advice, other Registrants to do the same.
- A Registrant having positive knowledge of deviation from this Code by another Registrant shall bring such deviation to the attention of the EnviroCert International Executive Director.

# Maricopa County Code Of Ethics (Ethics Handbook)

- **Conflict of interest:** occurs when an employee, elected or appointed official; volunteer, or a member of an appointed board; committee, or commission:
  - (1) Has a substantial interest in any decision, contract, sale, purchase, or invoice with Maricopa County;
  - (2) Solicits, accepts or agrees to accept, any compensation, favor, gift, promise or other items of value (whether tangible or intangible) in return for influencing, attempting to influence, rewarding or not rewarding an official action or decision; or,
  - (3) Participates in a Maricopa County action while negotiating prospective employment with a person who has a financial interest in the negotiation.

# Maricopa County Code Of Ethics (Ethics Handbook)

- **Accepting gifts:** one should refuse any gift or favor which may reasonably be interpreted to be offered in order to influence a County decision. However, acceptable gifts are:
  - A personal gift from a friend or family member
  - Winning or receiving a promotional gift from a community business, where the opportunity to win/receive the gift is open to the community in general
  - Gifts of nominal value
  - Normal and customary hospitality in a social setting

# Maricopa County Code Of Ethics (Ethics Handbook)

- Other things it covers:
  - **Gifts Between Employees** – permissible if there exists a relationship outside of work
  - **Honoraria** – can accept if not related to the person's official duties
  - **Voting Conflicts** – related to conflicts of interests

# Maricopa County Code Of Ethics (Ethics Handbook)

- **Fair and Equitable Treatment** – treat everyone equally and no special treatments to any particular person
- **Nepotism** – cannot directly or indirectly influence the hiring, promotion, re-assignment, reward, etc. of a relative
- **Use of Public Property** – public property cannot be used for other than official activities
- **Voice and Electronic Mail** – only for official business, but can be used for incidental personal business

# Maricopa County Code Of Ethics (Ethics Handbook)

- **Disclosure of County Information** – record retention requirements and non-confidential information readily available to the public
- **Dedicated Service** – implement official objectives and ordinances, adhere to work and performance standards
- **Political Activity** – can participate on their own time and only as a private citizen
- **Use of Paid Work Time** – adhere to start and end work times, lunch and breaks, be productive, etc.



# Maricopa County Code Of Ethics (Ethics Handbook)

- **Incompatible Employment** – can have outside work if does not conflict with official business
- **Post Employment Restrictions** – cannot take improper advantage of previous employment with county, cannot work on a project that the person had an influence on while a county employee within 2 years of separation (some exceptions)
- **Employee Concerns** – should report to supervisor if Handbook provisions are not being followed
- **Citizen Concerns** – if a non-employee believes that the Handbook provisions are not being followed, should report to Co. HR Director

# Proposed Final “Gut Checks” if Unsure of Your Actions

- **Headline Test**

- a. If it was in the newspaper, would it embarrass you or your organizations
- b. Could they twist any truths or half truths and put it in a bad light?

- **“Mommy” Test**

- a. Imagine telling of the situation to whomever was your moral compass when you were growing up
- b. Would they have been (or now be) proud of what you did?

# General Comments on Scenarios

- There are 8 scenarios presented.
- We will go through as many as time will allow.
- Possible solutions are presented but they may not be among what you think is most appropriate or you may need additional information to formulate your answer.
- If you think you have an alternative solution that best suits your values or additional information is needed, please present it during the question and answer session.
- Make sure to cite the scenario number for reference

# Scenario I

Ted is a supervisor employee with the County. Cash also works for the county.

**Cash: Hi Ted. Want to go on a break with us?**

Ted: No, I can't. I did not get very good management marks on my last employee evaluation so I signed up for an online management course that the County is paying for. I have to work on a paper that is due tomorrow – but thanks anyways.

**Cash: Well, then will you be able to come to happy hour after work?**

Ted: Nope, I will probably work on this until after 5 pm. Have a good time without me!



# Scenario I – Possible Answers

**Cash: Hi Ted. Want to go on a break with us?**

Ted: No, I can't. I did not get very good management marks on my last employee evaluation so I signed up for an online management course that the County is paying for. I have to work on a paper that is due tomorrow – but thanks anyways.

**Cash: Well, then will you be able to come to happy hour after work?**

Ted: Nope, I will probably work on this until after 5 pm. Have a good time without me!



## ***A Quick Poll...***

- a) I do not see a problem
- b) Ted should not be working on personal activities on county time
- c) Ted should not be working on personal things using a county computer
- d) Additional information is needed to make a determination

# Scenario II

Takeo is an Asian who works for private company and Julie also works there.

Takeo : **Hi Julie, how are things going?**

Julie: I have a lot of work to do. It is like a Chinese fire drill here!

Takeo : **I wish you would not use that phrase.**

Julie: Don't get so sensitive just because you have work up the ying-yang, too!

Takeo : **That was not necessary!**

Julie: Don't go hari-kari on me! If you expect me to kow-tow to your special sensitivities, forget it!

Takeo : **Look, I want our conversations to be on a friendly and ethnically neutral basis.**



# Scenario II – Possible Answers

Takeo : **Hi Julie, how are things going?**

Julie: I have a lot of work to do. It is like a Chinese fire drill here!

Takeo : **I wish you would not use that phrase.**

Julie: Don't get so sensitive just because you have work up the ying-yang, too!

Takeo : **That was not necessary!**

Julie: Don't go hari-kari on me! If you expect me to kow-tow to your special sensitivities, forget it!

Takeo : **Look, I just want our conversations to be on a friendly and ethnically neutral basis.**

## *A Quick Poll...*

- a) Takeo is being too sensitive since this is commonly used language, so I do not see a problem.
- b) Julie is insensitive, but there is no ethics problem.
- c) If Julie signed a company policy document on conduct, it is an ethics problem.
- d) Takeo shouldn't say anything since Julie is a member of another ethic group.



# Scenario III

Phil works for the county as a dump truck driver. His friend, Tom, does not work for the county. Thomas calls Phil on the cell phone.

**Tom: Hey Phil, whatcha doing?**

Phil: I'm on the way back with a quarter load of gravel that was left over from a job. I was told to drive out about 10 miles out to dump it in one of those sand mining pits and return to the yard. It's going to take me about an extra hour to do all of this.

**Tom: How about dropping by my house and putting it on my driveway?**

Phil: Well, I don't know about that. However, you are just about a mile from where I am now and it would save the County gas money if I dumped it at your place and go straight to the yard, which is only 2 miles from your place.

**Tom: Great! I am glad to see that you are a conscientious County employee, thinking about cutting costs for the county!**





# Scenario III – Possible Answers

**Tom: Hey Phil, whatcha doing?**

Phil: I'm on the way back with a ¼ load of gravel that was left over from a job. I was told to drive out about 10 miles out to dump it in one of those sand mining pits and return to the yard. It's going to take me about an extra hour to do all of this.

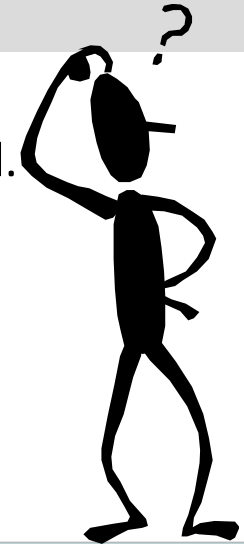
**Tom: How about dropping by my house and putting it on my driveway?**

Phil: Well, I don't know about that. However, you are just about a mile from where I am now and it would save the County gas money if I dumped it at your place and go straight to the yard, which is only 2 miles from your place.

**Tom: Great! I am glad to see that you are a conscientious County employee, thinking about cutting costs for the county!**

## *A Quick Poll...*

- a) Tom is gaining something from the County so it is bad conduct by Phil.
- b) Tom is acting unethically by enticing Phil to be unethical.
- c) Phil is saving the County money, so I do not see an ethics problem.
- d) Tom is a tax payer so he is entitled to the such County services.



# Scenario IV



Val is a deputy sheriff, and her friend Terry is a campaign worker for the re-election of Sheriff Trent.

**Terry: Val, will you be coming to the rally for Trent after work?**

Val: Sure, count me in. You know I support his tactics! I'll come over after I go home and change from my uniform to my civilian clothes.

**Terry: Gee, why bother? Just come as you are – we won't mind!**

Val: Ok, it would save me some time.

# Scenario IV – Possible Answers

Val is a deputy sheriff, and her friend Terry is a campaign worker for the re-election of Sheriff Trent.

**Terry: Val, will you be coming to the rally for Trent after work?**

Val: Sure, count me in. You know I support his tactics! I'll come over after I go home and change from my uniform to my civilian clothes.

**Terry: Gee, why bother? Just come as you are – we won't mind!**

Val: Ok, it would save me some time.



## *A Quick Poll...*

- a) Val should not be supporting any candidate because she is a deputy sheriff and works for a government.
- b) Val is being a good citizen for being politically active - this is good conduct.
- c) Terry is acting unethical, trying to entice Val to support her boss.
- d) Val is representing the County if she goes in her uniform – bad conduct.

# Scenario V

- Arlen is just exiting from a job interview with the Resistance is Futile company and notices that Jim is the next person to be interviewed.
- Arlen knows that Jim had a recent disciplinary action against him by the Board of Registration.
- Should Arlen inform the company about this?



# Scenario V – Possible Answers

- Arlen is just exiting from a job interview with the Resistance is Futile company and notices that Jim is the next person to be interviewed.
- Arlen knows that Jim had a recent disciplinary action against him by the Board of Registration.
- Should Arlen inform the company about this?



## ***A Quick Poll...***

- a) He should anonymously tell the company about this.
- b) He should just be quiet since the company should have done its D&D.
- c) He should tell the company since it would give him an advantage.
- d) Arlen should later talk to Jim to make sure Jim told the company.

# Scenario VI

- Jane used to work for Harold but left for another company under unpleasant circumstances.
- Harold's company has invited Jane's company to be a sub consultant in pursuit of a large project.
- In the process of putting the proposal together, Jane notices that Harold has taken credit for work that Jane did when she was with Harold's company.
- What should she do?



# Scenario VI – Possible Answers

- Jane used to work for Harold but left for another company under unpleasant circumstances.
- Harold's company has invited Jane's company to be a sub consultant in pursuit of a large project.
- In the process of putting the proposal together, Jane notices that Harold has taken credit for work that Jane did when she was with Harold's company.
- What should she do?

## ***A Quick Poll...***

- a) Tell Harold's supervisor about the issue.
- b) Tell her boss and report him to the relevant board of registration.
- c) She should just be quiet since the prime contractor calls the shots.
- d) Talk to Harold and persuade him to change the proposal.



# Scenario VII

- John, an engineer for the city, is a personal friend of David, and they used to be students together in college.
- David works for an engineering firm that does business for the City.
- David invites John to go up to David's family mountain house for a week.
- Should John accept?





# Scenario VII – Possible Answers

- John, an engineer for the city, is a personal friend of David and they used to be students together in college.
- David works for an engineering firm that does business for the City. David invites John to go up to David's family mountain house for a week.
- Should John accept?

## ***A Quick Poll...***

- a) Sure – he has an established relationship outside of work.
- b) No, it may be looked upon as a “bribe”.
- c) It is ok if John pays a reasonable amount as compensation.
- d) Accept only if David accepts a similar invitation from John.



# Scenario VIII

- Brian is an environmental scientist for the NRCS (a Federal Agency).
- He is asked by a company that worked on one of his projects (he was the Project Manager) if he would like to be one of the authors of a paper to be presented to a Professional Society Journal on the project.
- Brian says he is too busy to contribute but is told he does not have to do anything and they would do all the work on the paper preparation and submittal.
- What should Brian do or say?

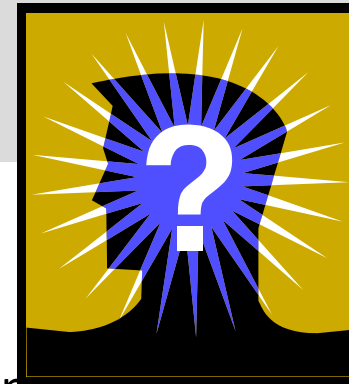


# Scenario VIII – Possible Answers

- Brian is an environmental scientist for the NRCS (a Federal Agency).
- He is asked by a company that worked on one of his projects (he was the Project Manager) if he would like to be one of the authors of a paper to be presented to a Professional Society Journal on the project.
- Brian says he is too busy to contribute but is told he does not have to do anything and they would do all the work on the paper preparation and submittal.
- What should Brian do or say?

## *A Quick Poll...*

- a) No problem – he did work on the project!
- b) He should decline since he would not be involved in the paper.
- c) Only if he is the last author listed.
- d) No, but they can acknowledge him in the paper introduction.



# Final Comments

- It is not hard to make decisions when you know what your values are and abide by them.
- If you must make an ethics decision that potentially affects keeping your job, keeping your client, or keeping your professional license, you should decide on the path that **keeps your license.**
- You can always get another employer and another client, but you rarely can get another license or certification.

### **Your Feedback Is Important**

Please send us your questions, comments, concerns, etc at [support@stormwateruniv.com](mailto:support@stormwateruniv.com)

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### **Recording Available**

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### **Certificates**

Will receive email notification within 48 hours. Must have attended full session.



# Questions?

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President – DTW and Associates, LLC

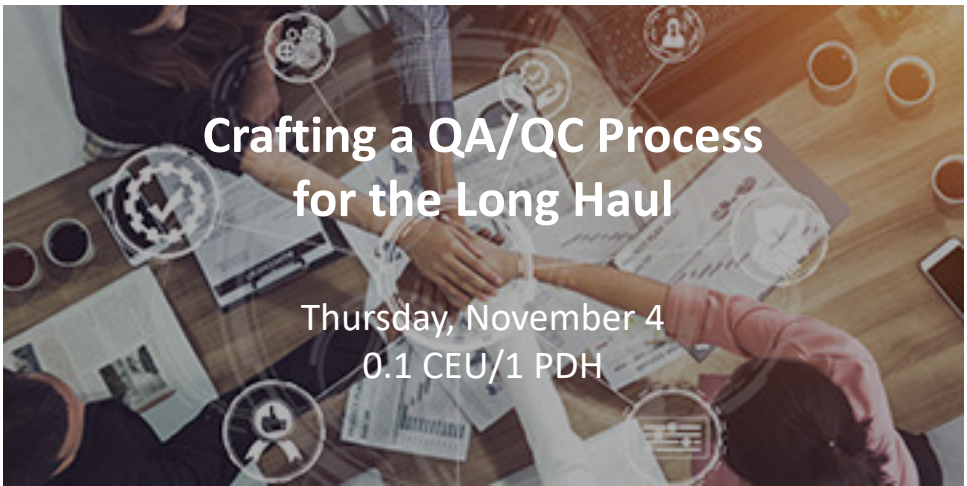
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**Pete Hanrahan**  
Hanrahan Environmental

- Erosion Control and Ground Stabilization in the Third Dimension
- Flocculant Applications in Soil Stabilization
- Preparing Construction Sites for Winter Shutdown



Learn what you/your organization can do to create or improve upon your current Quality Assurance/Quality Control (QA/QC) process, what public or private customers should look for from those they hire, and how to navigate this process together.



**Heather Seitz**  
ICON Engineering