
Florida Building Inspectors: Ethics

Definition of Ethics

Principles in the Profession and Society

- Ethics refers to “well-based standards of right and wrong that prescribe what humans ought to do, usually in terms of rights, obligations, benefits to society, fairness or specific virtues.”
- Ethics also refers to the study and development of one's ethical standards, or concepts that govern our behavior.
- Section 112.311 Florida state legislature defines professional conduct of public office as not using position for private gain.
- The law establishes standards for the proper conduct of government employees in situations where conflicts may exist; violations of which can result in reprimand, loss of salary or employment, fines, etc.
- As professionals, we have an obligation to the public and to society.
- How we conduct ourselves reflects on society in general and our profession in particular.
- We have two behaviors to consider:
 - Legal behavior (e.g., what to do to stay out of jail, for example)
 - Ethical behavior (what could cause us to lose our job)
 - Part of being a professional is maintaining an above-board stance when representing the public or customer, and in our case, our profession.
 - Part of the expectation involved in being hired is the assumption of honesty and impartiality towards our clients to the best of our ability. Once that assumption is lost, our profession could be damaged and our reputation destroyed.
- Some of the consequences of unethical behavior are:
 - perception of unfair treatment,
 - loss of public trust,
 - waste of resources,
 - work done improperly, and
 - cynicism about government or authority.
- There can be legal repercussions as well in the form of:
 - lawsuits,
 - dismissal or termination of employment,
 - lowered morale,
 - loss of coworkers,
 - loss of business,
 - reprimand,
 - criminal charges,
 - suspension,

- possible jail time, and
- revocation of your license.

Applying the Code of Ethical Professional Conduct

Standards of Conduct Concerning Gifts

- While gifts are often given as a gesture of goodwill, overly generous business gifts tend to put pressure on the recipient to extend more than just goodwill to the giver.
- Gifts, even those of nominal value, can create the perception of undue influence.
- A gift is something of value given without the expectation of return.
- A bribe is something of value given in the hope of influence or benefit.
- Gifts and bribes can be monetary, actual items or they can be tickets to a sporting event, entertainment, travel, rounds of golf or restaurant meals.
- Sometimes accepting these gifts and amenities may be a proper part of a business relationship, however, in some situations accepting them may be a serious breach of business and professional ethics, and perhaps even a violation of the law.
- The Florida Statute is very clear and well defined as to what is acceptable and what is not.
- NOTE: Municipalities are considered part of the state; therefore the state and local government restrictions are synonymous.
- Florida Statute 112.313{2}, Solicitation or Acceptance of Gifts, states that you, as a representative of an agency that upholds the statutes of the Florida Building Code, shall not accept anything of value (that's a gift, a loan, reward, promise of a future position, any favors or services) with the understanding that the tangible or intangible gift or service influences your judgement in any way.
- Those that are guilty could be charged with soliciting or accepting gifts, which is a third-degree felony. This could result in a person going to prison for up to five years and/or paying up to \$10,000 in fines.

If you are ever presented with a gift, the best advice to give is to do one of the following:

- Kindly refuse the gift. Express your reasons clearly and carefully why you must decline the gift and show your regret in doing so. Be sure to communicate your appreciation without offending the gift giver.
- Return the gift to the gift giver. Returning the gift shows that your intent to receive it may have been misguided, however you did all that you could to rectify the situation.
- Accept the gift on behalf of a government entity or charitable organization. This works well for monetary gifts, gift certificates, or even vacations.
- Gifts can be given to employees, co-workers, clients, and prospective clients.

- Your intent should be to maintain a relationship as it stands, not benefit from it. As long as you keep it professional, you'll keep it compliant.
- If you work for a company and your employer gives you a salary, benefits, services, fees, bonuses, commissions, or expenses because you are doing your job and you work for that company, those are not considered "gifts" in this situation. Your employer is simply giving you what is owed or recognizing your efforts when you go above and beyond.
- Awards, plaques, certificates, etc., given in recognition of public, civic, charitable, or professional services is not considered a gift.
- Being granted honorary membership into a service or fraternal organization: You may accept those invitations, as they are not considered gifts and may enhance your personal or professional life.
- You may be granted use of a public facility or public property made by a governmental agency for a public purpose. This is not considered a gift.
- If a government agency is kind enough to set up transportation for you to get where you need to be, that is not considered a gift.
- Don't abuse the privileges of the use of a public property or free transportation.
- Section 6 states that one shall not use his or her position in the community to secure a special privilege, benefit, or exemption.

Providing Full Disclosure

When accepting a position with a municipality, agency, or governmental standing committee, it is imperative that these positions are above board and without reproach.

Consequently, upon employment, financial and interested party disclosure is required so no perceived conflict of interest is present.

- How do we determine what a conflict may be?
 - If there is a relationship with any entity, person, or business with a financial interest of 5% or more then disclosure is automatically required.
 - A financial interest less than 5% could be dismissed arbitrarily but must be disclosed in any event.
 - An interest of 5% or more would have to be investigated for any conflict so as not to have any undue influence in the performance of one's duties or job description.
- Ethical problems can surface when a certified licensed inspector, administrator, or plans examiner combines his or her professional relationship with a co-worker or member of the public.
- The nature of the relationship is such that the perception is undue influence.

- If a relationship did exist and was terminated; the rule is a period of two years must pass. Less time than that and the relationship may be viewed as ongoing. In such circumstances, the relationship must be reported to a superior.
- If you find yourself in this type of situation, the proper procedure is to:
 - Notify your supervisor or HR. There may be forms to complete or an oral report will be logged.
 - Notify the Chief Ethics Officer. A phone call or form to fill out may be required.
 - Notify the Ethics Commission, where you will be asked to complete a form.
- Note that no director, officer, employee or vendor who in good faith reports a violation shall suffer harassment, retaliation, or any other adverse consequence.
- In the case of nepotism, public officials and employees are not allowed to seek appointment, employment, promotion, or advancement for any relatives or family members.
- Maurice W. McLaughlin sums this up well; "Hiring and promotion based on politics, bribes or "who you know" means that merit is removed from the equation. When merit is removed, government operations and the government's services to its citizens inevitably suffer, and the cost of providing those services therefore increases."
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Bribery in Building Inspection

- If a person tries to pay a building inspector to perform an act that is not consistent with the work a building inspector is expected to do, that is considered a bribe.
- Offering and accepting a bribe is wrong as it is promoting a dishonest act to disregard the expected duties of the building inspector, requiring him or her to betray the trust of one's employer or that of the state.
- Bribery could take the form of an unlawful compensation or reward for official behavior.
- The state requires inspectors to attend ethics training where the consequences for breaking the law are made very clear, including termination of employment.
- The state has zero tolerance for inspectors that choose to betray the public trust.

Reporting Unethical Behavior

- Any third party who is witness to any unethical behavior should report such behavior to the proper authority. Not doing so could expose that party to the same disciplinary action as the person being reported.

- In the case of an employee or a person designated as a public officer who otherwise would be deemed to be an employee; other violations of the Florida Ethics Code can result in:
 - Employment dismissal
 - Suspension from employment for not more than 90 days without pay
 - Demotion
 - Reduction of salary level
 - Forfeiture of no more than one-third salary per month for not more than 12 months
 - A civil penalty not to exceed \$10,000
- Employees are an instrumental resource for identifying and reporting compliance and ethics violations in your office or field.
- Employees should have a method of communicating with their supervisor, compliance department, HR, etc. Various approaches can be through the mail, electronically, filled out form, hot line access, or in person.
- Under no circumstances should an employee be penalized if he/she performed a function that was wrong and later filed a complaint based on those duties.

Tools of the Profession

Ethical Characteristics and Employing Critical Thinking

- All inspectors must have the following skills.
 - They must be organized, they have to know what their day is laid out like, when will it take more than a day to get the job done.
 - They have to know the minimum requirements of their discipline, such as building codes, for example.
 - They have to behave within their employer's ethical guidelines, which was spelled out when they were hired. They have to conduct themselves above any impropriety that may occur.
- Doing the ethical thing requires more than being ethically justified. It means being held to a higher standard, including:
 - Local ordinances
 - Employment policies
 - Employment procedures
 - Perception of honesty
 - Conducting ourselves beyond reproach
- Examples of legal but unethical behavior are
 - Leaving work a few minutes early

- Taking longer for lunch than the allotted time
 - Blaming others for your mistakes,
 - Padding overtime allowance
 - More serious situations can put the public at risk
- Many employers want job candidates who can evaluate code situations using logical thought.
- An employee with critical thinking can be trusted to make decisions on his or her own and will not need micromanagement.
- Top creative thinking skills needed for this profession are:
 - To be able to analyze situations first.
 - Be open-minded think outside of the box.
 - To have the ability to solve an important issue.
 - Be organized so that you are able to structure a plan of action with clear goals and deadlines.
 - To have strong written and oral skills as well to have the ability to listen and ask the right questions.
- Some warning signs to identify, within yourself or others, are thinking or saying:
 - No one will know.
 - I can still be objective.
 - I deserve it.
 - We can keep this quiet.
 - They'll never miss it.
 - They had it coming.
 - Technically it's legal.
 - Everybody does it.
 - This won't affect my work.
 - It's okay if I don't gain personally.

Universal Principles and Values

- Principles are acquired through example and upbringing. They can also be developed through personal growth.
- How do we recognize governing values? By example, our employer, society, our upbringing, life experience.
- The Ethics & Compliance Initiative (ECI) has adopted the acronym word PLUS, P-L-U-S, which stands for:
 - **Policies.** Is it consistent with my employer's policies, procedures and guidelines?
 - **Legal.** Is it acceptable under our applicable laws and regulations?

- **Universal.** Does it conform to the universal principles and values my employer has adopted?
 - **Self.** Does it satisfy my personal definition of right, good and fair? Ultimately, what will you do?
- Ethical conduct, although guided by laws and rules, is ultimately the responsibility of each one of us.
- How we conduct ourselves is a reflection of our character and how we view other human beings. Integrity, honesty, and objectivity are words to live by.
- Ethical values, as defined by the Ethics Resource Center, are what we attribute to a system of
- Moral concepts, judgments, and practices may vary from one society to another and one geographical region to another and sometimes from one time period to another.

Examples and Consequences of Unethical Behavior

Bribery, Falsifying Records, and Obstructing Justice

- It is the responsibility of the building code administrator or building official to administrate, supervise, direct, enforce, or perform the permitting and inspection of construction, alteration, repair, remodeling, or demolition of structures and the installation of building systems within the boundaries of their governmental jurisdiction.
- It is the responsibility of the building code inspector to conduct inspections of construction, alteration, repair, remodeling, or demolition of structures and the installation of building systems.
- It is the responsibility of the plans examiner to conduct review of construction plans submitted in the permit application to assure compliance with the Florida Building Code and any applicable local technical amendment to the Florida Building Code.
- You are all entrusted with upholding the integrity and dignity of your professions.
- You can do so by:
 - Making sure your actions are focused on the greater good
 - Respecting individuals' rights to privacy and property
 - Being fair, impartial, and equal