

Engineers Behaving Badly




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Understanding Ethics

Applied ethics refers to moral conclusions based on rules, standards, code of ethics and models that help guide decisions. There are many subdivisions in the field of ethics; some of the common ones are descriptive, normative and comparative ethics.

Business ethics, more specifically, deals with the creation and application of moral standards in the business environment.

Morals are judgments, standards and rules of good conduct in the society. They guide people toward permissible behavior with regard to basic values.

Fundamental Ethics

1. Hold Paramount Safety

... hold paramount the safety, health and welfare of the public and strive to comply with principles of sustainable development in the performance of their professional duties.

2. Knowledge

... shall perform services only in areas of their competence.

3. Speak Truth

... shall issue public statements only in an objective, honest and truthful manner.

4. Act like a professional

... shall act in a professional manner when working as a faithful agent for matters regarding employers, employees or clients and shall strive to avoid all conflicts of interest

Fundamental Ethics

5. Keep your Integrity

... shall act in such a manner as to uphold and enhance the honor, integrity and dignity of the profession and shall act with zero tolerance for bribery, fraud and corruption.

6. Keep Learning

... shall continue their professional development throughout their careers and shall provide opportunities for the professional development and growth of those under their supervision.

7. Be Courageous

... shall exhibit fortitude and determination to exert professional skepticism to challenge others who are behaving inappropriately, and to resist the allure of private benefit over the good of the public.



THE BELS Mission

The Alabama Board of Licensure for Professional Engineers and Land Surveyors

Was created to protect the public by helping to safeguard health, life, safety welfare and property by providing for the licensing of persons and regulations of the practices of engineering and surveying.

The Obligation Seek First To Do No Harm





**The Professional's Obligation to act
Ethically and Protect the Public**

Licensees, in the performance of their services

**shall be cognizant that their first and
foremost responsibility is to the public
health , life, safety, property and welfare.**

Quick Points: Canon I (330-X-14.02)

Avoid all conflict of interest

If unavoidable, please notify the necessary individuals.

Don't solicit or accept any favor or benefit

Don't put yourself in a position where a gift is accepted brings with it a clandestine obligation of future work.



“Clandestine Obligation”



In the Beginning ...

- **1996: Clean Water Act Lawsuit ...**
alleged that untreated waste illegally entered the area's rivers and streams, Jefferson County entered into a consent decree requiring the County to repair and rehabilitate its sewers and wastewater treatment plants. **The cost of the rehabilitation amounted to nearly \$3 billion.**



The Players

- **Jefferson County Environmental Services**

County Commissioner Jewell “Chris” **McNair**

Director Jack W. **Swann**, P.E.

Assistant Director Harry T. **Chandler**, P.E.

Donald R. **Ellis**, P.E.

- **Questionable Leadership**

McNair (Supervisor from 1988-2001) oversaw the operation of the JCESD, which included Director Swann, Assistant Director Chandler and Chairman, Product Review Committee Ellis.



Things Started to Go South When:

- **A violation of ethics:**

The consent decree required the County to hire engineering firms through **no-bid contracts**. The JCESD supervised the process of rehabilitating the sewer and treatment plants.

Media Coverage

- **The Birmingham News:**

Harry **Chandler** told federal jurors that he **started receiving small gifts such as lunches, golf outings and football tickets. The gifts increased as time went on and he started receiving cash as Christmas gifts and trips in 1998 and 1999.** The sewer upgrade was ordered by a federal court in 1996.

Chandler was the only witness Wednesday in the fifth day of testimony in the conspiracy and **bribery trial of former Jefferson County Commissioner Chris McNair and eight other defendants: Eddie Yessick, Roland Pugh Construction, Grady Roland Pugh, Pat Dougherty, Dougherty Engineering, Rast Construction and brothers Bobby Rast and Danny Rast.**

Chandler resigned in July as assistant director of environmental services and pleaded guilty to conspiracy to commit bribery after a four-year federal probe of corruption in the county sewer system's \$3 billion rehabilitation and expansion project.

Chandler said he **received landscaping at his Vestavia Hills home** that was offered to him by **Yessick**, a Roland Pugh Construction Inc. executive. The **work included sod, a patio and retaining walls for his pool.**

Media Coverage

- **The Birmingham News:**

(Chandler) said he **received a free bass fishing trip in Florida and free use of a Gulf Coast condominium** through **Yessick** and company officials.

Chandler testified **he asked for financial assistance from Bobby Rast**, an executive with Rast Construction, **for a European conference trip and later received an envelope containing \$5,000.**

He said he split the cash with another county official who was going to the conference.

- **The Gadsden Times:**

Two Birmingham men pleaded guilty Thursday to a federal bribery charge in connection with a scandal over Jefferson County's \$3 billion sewer program.

William H. **Dawson**, 44, and Harry T. **Chandler**, 48, **pleaded guilty to** the charge of **conspiracy to commit bribery**, U.S. Attorney Alice Martin said. **Dawson** was the president of **Dawson Engineering, Inc.**, an engineering firm that **received over \$20 million worth of contracts from the Jefferson County Environmental Services Department.** He admitted buying a **\$16,400 audio visual system for former county commissioner Christopher McNair to influence business dealings**, Martin said in a statement.

Chandler, formerly the assistant director of JCESD, admitted to **accepting landscaping valued at \$15,000 and various trips from Roland Pugh Construction, Inc.** between March 1999 and November 2001, Martin said.

Investigation Determined

- **From in or about August 1999 ...**

... and continuing at least through January 2002, the exact dates being unknown to the Grand Jury, within the Northern District of Alabama and elsewhere, **Defendants McNAIR; PUGH; YESSICK; PUGH, INC.; BOBBY RAST; DANNY RAST; RAST, INC.; DOUGHERTY; FWDE, INC.; and DAWSON** did knowingly and willfully combine, conspire, and agree with each other and others, both known and unknown to the Grand Jury, to commit offenses against the United States,

to wit: **(a)** to corruptly give, offer, and agree to give anything of value to any person, with intent to influence and reward an agent of county government, which county government received federal assistance in excess of \$10,000 in a one-year period, in connection with any business, transaction, and series of transactions of such county government involving anything of value of \$5,000 or more,

Stemming from Investigation

- **Case 2006-30-B - Donald R. Ellis**

LICENSE REVOKED 2007 | REISSUED 2010

- **Case 2006-31-B – Harry T. Chandler**

LICENSE REVOKED 2007 | REISSUED 2013

- **Case 2006-32-B – Ronald K. S. Wilson**

LICENSE REVOKED 2007 | REISSUED 2011

- **Case 2006-33-B – William H. Dawson**

LICENSE REVOKED 2007 | REISSUED 2013

- **Case 2006-34-B – Floyd W. Dougherty**

LICENSE REVOKED 2007

- **Case 2008-13-B – Jack W. Swann**

LICENSE REVOKED 2008

“Crimes of Moral Turpitude”

- **Based on the Alabama Constitution ...**

... people who commit “crimes of moral turpitude” lose their right to vote. Some may be eligible to restore their voting rights.

A new law passed in 2017 defined a list of 46 crimes that result in loss of voting rights. If you have not been convicted of one of these crimes, then you do not need restoration because you are still eligible to vote.

The Penalty Phase

Ellis (P.E.) Criminal Action

Plead guilty to 1 count Bribery 2005

Pay a \$5,000 fine / Pay \$2,500
restitution to JeffCo Commission / Pay
U.S. a special assessment of \$100

Served 4 months home detention /
36-Month Probation

Chandler (P.E.) Criminal Action

Plead guilty to 1 count of Conspiracy to
Commit Bribery 2007

Pay a \$33,000 fine / Pay a U.S. Special
Assessment of \$100

Placed on 24-month probation

McNair (P.E.) Criminal Action

Had direct oversight - shortcomings
became evident under his watch.

Convicted of Bribery 2006

Plead guilty in 2007 in exchange for a
5-year sentence.

After appeals failed began serving
2011.

Released in 2013 in time to participate
in the 50th anniversary of the 16th
Street Church Bombings in which his
daughter Denise was one of the four
girls killed.

The Penalty Phase

Swann (P.E.) Criminal Action

Found Guilty of 1 count of conspiracy to commit Bribery / 6 counts of bribery / 11 counts of Honest Services Mail Fraud 2007

Pay a \$250,000 Fine / Pay a U.S. Special Assessment of \$1,800

Pay restitution of \$355,533 to JeffCO Commission

Serve 4-month home detention

Serve 4 months in prison / Must surrender to U.S. Marshall 4-2007

Swann (P.E.) After Appeal

Found Guilty of 1 count of conspiracy to commit Bribery / 6 counts of bribery / 11 counts of Honest Services Mail Fraud 2007

Set aside \$250,000 Fine

Serve 8 1/2 years in prison - must surrender to U.S. Marshall 9-2010

The Penalty Phase

Doughtery (P.E.) Criminal Action

Found guilty of 1 county of Conspiracy to commit bribery / 1 count of bribery and plead guilty to 1 county of mail fraud 2007

Pay a \$250,000 Fine

Serve 13 months beginning Feb. 2007

Placed on 36-month probation

Dawson (P.E.) Criminal Action

Plead guilty to 1 count of Conspiracy to Commit Bribery 2007

Pay a \$33,000 fine / Pay a U.S. Special Assessment of \$100

Placed on 24-month probation



Any Questions