

After working five years at the plan-checking counter at Brixton City Hall, Clare Logan was looking forward to submitting a resume for the vacancy as Assistant Planning Director. Clare's interactions with the customers coming to have their building permits and architectural plans approved had been challenging in the beginning, but Clare felt that the experience and growth that Clare had made warranted the promotion.

The City Manager posted the position publicly and received several applications, including Clare's. Succession planning was one of the City Manager's priorities because there were going to be several retirements in the Planning and Inspection Department. The City Manager was looking for someone with management potential. Clare did not get the job. Instead, a candidate with planning and management experience from a neighboring town was tapped for the position. Clare asked to speak with the City Manager to find out why Clare was not chosen. The City Manager replied, "Your time will come if you keep gaining experience and strengthening your skillset. Right now, I need strong leadership."

Clare was upset and didn't agree that they weren't ready. Clare felt the promotion was deserved, especially as it meant an improved title and a substantial pay increase. Why hire someone from the outside when Clare was right there and knew everyone? Clare decided to take control of the situation to Clare's benefit whenever possible.

The city had compiled a list of approved, licensed contractors that was available at the counter that Clare worked. This list did not imply a recommendation – it was meant to help residents, architects, and builders by listing those companies with the requisite city and state licenses. Clare began contacting companies on the list, suggesting that because Clare "admired their work," Clare would be willing to make a specific recommendation of their company to people who came to the counter. Although Clare did not ask outright for anything in return, two of the companies promised a financial "bonus" for each contract that came from Clare's recommendation. A third company offered use of a mountain cabin so that Clare and Clare's family could go skiing.

Initially Clare was selective and discreet when providing "recommendations," with the benefits Clare received as a result not garnering any attention, but as time went on, Clare became bolder. Clare bought a new car and began bragging about "weekends at the chalet."

In a six-month review of department operations, including an audit of all activities, the new Assistant Planning Director noticed the unusual number of contracts that were going to just three of the two dozen names of the list. When the APD questioned Clare about the obvious discrepancies, Clare denied any wrongdoing, and insisted that the three companies the APD asked about on the list were, in Clare's opinion, better than the others. Further, there were no written rules prohibiting making personal recommendations.

Questions for discussion:

Is it unethical for a city employee to make recommendations based on their experience or preferences?

Would Clare's actions have been acceptable if Clare had not engaged in a quid pro quo (receiving something in return for giving something)?

If there is no policy or rule prohibiting personal recommendations, is it a violation?

What action, if any, should the Assistant Planning Director take with Clare?