CHAPTER 5

Point by Point: The Association of Consulting Foresters Code

If you are or plan to be a consulting wildlife biologist, fisheries biologist, or wetlands ecologist, you may find the ACF Code helpful, as Codes of those professional organizations place little emphasis on business ethics.

In 1948 a number of forestry consultants formed their own group, the Association of Consulting Foresters, feeling a need for a group identified with the commercial practice and business of private consulting. At that time, the SAF was heavily influenced by members from the US Forest Service, State Agencies, industry, and academia. Some consultants at that time felt that their interests and concerns were met with indifference within the SAF. Nonetheless, the ACF and SAF Codes share many common features. A major difference is that the ACF Code is more detailed and explicit on many business-oriented issues. This makes it a helpful resource as an aid to study, even for nonmembers. Today, many ACF members are also SAF members.

ACF promptly adopted a Code of Ethics. Because of the numerous specific circumstances unique to consulting, their Code is longer than SAF’s. Until they ceased publishing it recently, their quarterly publication, The Consultant, regularly discussed ethical issues.

POINT BY POINT SUMMARY

Preamble
The Code’s preamble is brief, indicating that all Members are bound by its provisions and that its goal is to “secure decent and honorable
business and professional relationships,” confidence and respect, and provide for maximum service.

The Code consists of 28 Canons, organized into 4 sections:

- Professional Life
- Dealing with the Public
- Clients, Principals, and Employers
- Other professional foresters

These categories logically reflect the focus of a consulting forestry practice as a business.

**Professional Life**

These four canons open with a commitment to practice for the benefit of society. They mandate cooperation with other foresters and active participation in groups and organizations. Members must advertise in a dignified manner.

Canon 4 states that consulting foresters should gain their work based on “experience, competence, and reputation,” and repeats the admonition against improper advertising. This is one of the few Canons in the ACF Code where the term “unethical” is specifically used.

**Dealing with the Public**

Canon 5 combines two points. First is the obligation to pursue continuing education. Second is a mandate to “discourage and condemn” “unfair, false, and exaggerated statements” concerning forestry (note the contrast with the tone of pledges in Principle 6 in the SAF Code).

Canon 6 requires members to indicate on whose behalf they speak in public statements, and Canon 8 requires them to be fully informed of the facts and not bias their statements.

Canon 7 addresses expert witness engagements, stating that members will employ adequate facts as the basis for opinions given. (Given that experts are typically sworn in, this may be redundant as a practical matter, but it emphasizes an activity that can be important in any consulting practice.)

Canon 9 requires that forestry plans be written in unmistakably clear terms. Presumably this is to ensure that consultants cannot
escape responsibility for outcomes at a later time by pointing to ambiguities in their conclusions or recommendations.

**Clients, Principals, and Employers**

This section naturally has a large number of canons.

Canon 10 requires loyalty to the employer.

Canon 11 requires that consultants clearly present consequences to the client if their technical recommendations are over-ruled. Note that, as in the SAF Code, the consultant is not required to withdraw. Also, as in SAF, the nature of the communication to this effect (written or other) is not clearly specified.

Canon 12 concerns client confidentiality. On some engagements you may have to employ highly sensitive client information. Frequently, a client not only wishes information to be held in confidence, but also does not wish to be identified in any conversations you may have with others as you gather information. They may want their interest in the topic to be confidential. Large organizations may require you to sign a lengthy (and sometimes scary) confidentiality agreement.

Canon 13 states the prohibition against conflicts of interest, or even the appearance of conflicts. As in the SAF case, conflicts are not defined. In contrast, SAF does not use the term “appearance of conflict.”

Canon 14 bans accepting payment twice for the same service. As an example, a forester may cruise a property. Shortly thereafter, another individual may wish to buy the cruise. A forester may not sell the results again without approval of the original client, which may reasonably be withheld. Some consultants have a rule of thumb that they will not re-cruise the same property again in less than a certain number of years.

Canon 15 is another version of the obligation to offer only services for which a member possesses the necessary competence and experience. One is to refer the work to better qualified consultants whenever it is best for the client. We all hate to send business elsewhere but we must consider the client first. We usually hope that if we refer work to others, the favor will be returned in time.

A related issue can arise – we may be too busy to perform the work properly. In such cases we should refer to others (this is one form of the diligence issue).
Canon 16 bars accepting work at prices that cannot fund proper professional work.
Canon 17 emphasizes that members accept personal responsibility for their work and their actions.
Canon 18 follows the ethics code of the appraisal community . . . it bars doing appraisals if the fee to be paid is contingent on the dollar value found for the property.
Canon 19 bars either paying or accepting a referral fee. The term “unethical” is used here to make this unmistakably clear. The accounting profession has a similar provision. “Finders’ fees” or fee-splitting are often used on real estate and some other fields. You may be offered such a fee or asked for one and this Canon requires you to decline.

Other Professional Foresters
The 9 Canons in this section address:

- #20: Protecting the profession from “misrepresentation and misunderstanding”.
- #21: Requires members to ensure that those admitted to forestry (presumably the ACF) are of good moral character and sound training.
- #22: Bars plagiarism.
- #23: Bars injuring the reputation or business of another forester without cause.
- #24: Requires reporting misconduct when solid evidence exists.
- #25: Members are not to attempt to supplant another forester who has been hired for a project.
- #26: When asked, members are to submit fair and honest letters of recommendation.
- #27: Members are not to solicit political contributions from employees (in some states in the past this was common practice for state government employees – contributions were a condition of employment and not optional).
- #28: Principle of appropriate and adequate compensation (see Canon 16).
You can see that even though these Canons are more numerous and address more specific points, in most cases they do not define terms used and they too require additional interpretation in order to be applied.

The ACF Code contains no Land Ethic Canon. Not only is there limited support within its membership for such a Canon, many members are concerned that a vague Land Ethic Canon could be the source of much mischief.