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## **ASCE February Meeting Minutes**

Speakers: Aaron Mann, JD – Chief Legal Officer, Terracon

Topic: Engineering Ethics – Real life scenarios of engineering ethics and how to manage employees & client relationships during ethical dilemmas

Date: Wednesday, February 5, 2025

Location: Wichita Advanced Learning Library

711 W. 2nd St. N., Wichita, KS 67203

President Caleb Coltrane called the meeting to order at 12:00 pm and opened with announcements.

**Announcements**

* Hands on engineering will be happening each month and SWE is volunteering on March 1st.

The speakers were introduced. Aaron Mann, JD is the Chief Legal Officer at Terracon. He resides in the Kansas City area.

**Presentation Notes**

The ASCE meeting for February, “Engineering Ethics: Real life scenarios of engineering ethics and how to manage employees and client relationships during ethical dilemmas,” presented by Aaron Mann, JD with Terracon, explored engineering ethics through a case study involving state regulators, a Terracon engineer, and Terracon’s legal team. Aaron Mann opened the presentation by describing a phone call between a client and one of Terracon’s office managers – the client called the office manager and said that he believed a state regulator’s report that he had received from Terracon was fake. Surprised, the office manager said he would investigate the problem.

After investigating the problem, Terracon’s office manager and legal team found that one project manager had been editing PDF files with false information and sending them to clients. First, he would use snipped/clipped/copy pasted signatures on PDF documents, instead of using some form of authenticated digital signature. This technique allowed him to bypass standard review processes. Second, he would edit the lab results for various sites and compounds to suit his narrative using PDF editing techniques.

Terracon’s legal team investigated by reviewing every single project this project manager had touched and holding conversations with the regulators that had also been on the projects. Terracon began with projects 6-months to a year in the past and eventually looking at every project the project manager had worked on during his time at Terracon. They went line by line and compared updated lab reports with the lab reports the project manager had submitted to the clients. Terracon’s legal team was upfront with regulators from the beginning of the investigation and explained how they were managing the problem. Many of those conversations were difficult and awkward and consequently, they were held in person. Regulatory officials had varying responses; some wanted additional financial information, and some were not too concerned. On the whole, the regulators had a good relationship with this project manager.

After investigating, Terracon’s legal team found eight projects with falsified datasheets. After providing updates to clients and regulators, they began to investigate the “why” of the project manager’s actions. There wasn’t any initial rhyme or reason to the projects; dirty sites were made clean, clean sites were made dirty, etc. The project manager had been below average on work hours or project load, so “too much pressure” didn’t appear to be the reason. He also did not appear to be gaining financially in any way, and the projects were not “under-budget” anomalies.

Eventually, the “why” was determined to be conflict avoidance. The project manager was unwilling to engage in basic conflict management practices. The first falsified report and data situation had occurred on a Friday before the project manager was scheduled to leave on vacation. After missing the deadline, rather than tell his manager the report wasn’t ready and he hadn’t been on site yet, he just sent the client a falsified report. After the investigation and all final conversations with regulators were complete, Aaron Mann and Terracon’s legal determined that conflict avoidance, the sense of “getting back to the desk”, out of the uncomfortable situation, and the project manager convincing himself he could get away with it were the reasons the situation occurred.

Aaron Mann clarified that you can’t usually “spot the villain”. Situations like this usually occur when usually otherwise decent people make terrible decisions. Typically, they know what they should do but choose to do otherwise. Additionally, everyone is subject to some degree of conflict avoidance, and you can’t really screen for “fake data creation.”

Moving forward, Terracon took both practical and cultural measures to reduce the likelihood that something like this would happen again. They locked lab data so reports can no longer be changed. Additionally, they started practicing “double reporting,” where lab reports are sent to both the project manager and another employee. Finally, they removed the culture of using JPEG signatures and instead use a secure method of digital signatures. Cultural measures included evaluating pressures such as 1) are employees expected to do the impossible? 2) are employees empowered to deliver bad news safely (ex. without getting yelled at)? and 3) evaluating what behavior is modeled in the office. Terracon identified that ethics training isn’t enough, there needs to be ethics awareness. For example, in safety culture, employees wear a hard hat because there are specific, identified hazards to safety, not just because it’s the rule. Finally, Terracon chose to make moves towards coaching and encouraging employees to have hard conversations.

In the end, there were not any regulatory actions or insurance claims and Terracon has a better relationship with many of the regulators than before the event. They lost money from the time spent on the investigation. They submitted a report to the first regulator who thanked them for their thoroughness. This incident indicated the importance of an ethical culture and Aaron Mann reiterated that they would go through the process again to handle such a situation, despite the difficulty and irregularities of the situation.

Meeting adjourned by President Caleb Coltrane at 1:00 p.m.

Minutes respectfully submitted by Secretary Allison Atkinson.

**Meeting Attendees**

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| --- | --- | --- |
| 1 | Mike | Armour |
| 2 | Eric | Armstrong |
| 3 | Allison | Atkinson |
| 4 | Gregory | Baalman |
| 5 | Scott | Bernhardt |
| 6 | Sangeeta | Bhattacharjee |
| 7 | Jeff | Bradley |
| 8 | Christopher | Casebeer |
| 9 | Paul | Cater |
| 10 | Caleb | Coltrane |
| 11 | Macee | Crowell |
| 12 | Alan | Farrington |
| 13 | Traci | Grant |
| 14 | Mason | Grillot |
| 15 | Derek | Hake |
| 16 | Abdul | Hamada |
| 17 | Wyatt | Hessman |
| 18 | Julianne | Kallman |
| 19 | Derek | Kratzer |
| 20 | Dmitry | Lomachenko |
| 21 | Ky | Louanghaksaphone |
| 22 | Jon | Lucas |
| 23 | Scott | Macey |
| 24 | Paul | McDonald |
| 25 | Dakota | Mckee |
| 26 | Logan | Mills |
| 27 | Lucy | Munz |
| 28 | John | Oswald |
| 29 | Lynn | Packer |
| 30 | Behrooz | Rahbar |
| 31 | Garrett | Reed |
| 32 | Jessica | Rhein |
| 33 | Maria | Schrock |
| 34 | Anne | Stephens |
| 35 | Carly | Overacker |
| 36 | Luke | Vohs |
| 37 | Tyler | Voth |
| 38 | Amy | Wegner |
| 39 | Harlan | Foraker |
| 40 | Larry | Schaler |
| 41 | Dean | Anter |
| 42 | John | Heinz |
| 43 | Liz | Motter |
| 44 | Wyatt | Hessman |
| 45 | Brad | Shores |
| 46 | Daniel | Schrant |