



CHIEF'S FILE CABINET

Ronny J. Coleman

A CONFLICT OF INTEREST

The concept of a conflict of interest is based upon a premise that if a person that can control a decision stands to benefit financially from that decision and it involves a third party that this conflict needs to be viewed publicly. One of the basic scenarios regarding the proper use of this principle in government is when someone is making code decisions. Most states require that all public officials and employees be independent, impartial and responsible to the people when they make decisions that have an effect on property related matters.

For example, if you are in the business of regulating land use in the community as a planning director and you also own property that must go through land use planning process, you are ethically and legally prohibited from voting your own interest. However, there is another type of conflict of interest that also occurs in government and that is the problem associated with choosing between two rights. In other words, if you accomplish one thing you may compromise another and vice a versa.

You will note in that last paragraph I used the word *ethically*. Ethics are a big part of determining whether or not a specific behavior is a potential conflict of interest. The potential for this conflict of interest is not necessarily a legal one but rather it is a judgmental one. The conflict of this discussion can be found in fire prevention when it comes to making a decision to accept an alternative way of accomplishing a prevention objective that must be simultaneously both reasonable to both parties and acceptable to both parties at the same time. The reason there is a conflict is that if something is extremely reasonable it may or may not be acceptable to the other side. And if something is acceptable on one side it may be unreasonable to the other.

The two parties I am referring to here are the fire marshal and a property owner. Essentially the code is what the code says. And if there is not difficulty in interpreting and applying that code then the questions of reasonableness and acceptability remain mute. The problem comes about when you start having to make modifications to make a project work and the codes are simply not up to speed with contending with whatever issues are on the table.



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<p>Reasonable to one party Unacceptable to another party</p>	<p>Acceptable to both parties Reasonable to both parties</p>
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Utilizing these two dimensions has the access a review results in a model that looks like the following. A particular decision can range from being totally unreasonable to being very reasonable and totally unacceptable to being totally acceptable. If these two axis are plotted on a square it results in essentially four quadrants of potential circumstance. The lower left would be unacceptable and unreasonable solutions to both parties. The upper left hand quadrant would be reasonable to one party but to the other because of costs or other consequence. The lower right hand side would be acceptable to one of the parties but unacceptable to the other because the solution does not appear to be reasonable to them. This leaves us the fourth quarter in the upper right hand side in which things are both reasonable and acceptable to both parties.

What does this model have to do with managing a fire prevention bureau? Well, the primary application is in the field of plan review and the secondary scenario has to do with dealing with non conforming buildings. In the case of plan review codes and creativity are often in direct conflict. An



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architect or engineer may sometimes want to do something that codes simply have never thought of and it becomes very difficult to come to a consensus without some degree of conflict.

If you look at the model it is easy to see that there are two separate perspectives on this model. One of them is the person who is in a regulator position. The other is a person who is being regulated. It is not all together impossible to visualize that what is seemingly reasonable to one person is totally unreasonable to another and what is cost effective to one person is too costly to the other.

Regardless this model works to bring about some dialogue about different dimensions and parameters if you put it in the context of interest based negotiations. This model does not work well in positional discussions. If a person draws a line in the sand and will go no further then why bother to have any kind of discussion. The tie breaker then becomes a third party who steps in from the outside and then either delivers the decision to one party or the other. It is in the best interest of the fire profession to become experts at interest based dialogue in the context of this model. In other columns I have alluded to the fact that if we really don't know what something costs, it is real easy for us to demand that it be done that way. However once we do know what the cost is of a particular code impact then maybe it gives us the confidence to figure out what other options and alternatives might be available.

Using the interest based approach discussions can go on a different level.

So, perhaps we need to remind ourselves sometimes of the way our decisions are perceived in the public. We need to be right, but fair too.

This involves understanding two basic definitions; they are understanding what an interested person is and understanding how ethics play into decision making: An interested person in a conflict is someone with a financial interest in the outcome of the decision. . If a person is an interested person with respect to any aspect of the fire prevention and code enforcement system of which the organization is a part, he or she is an interested person with respect to all entities in that same system. In other words if you are involved in making decision that are in your financial interest – there is a possibility of a problem. Seldom does that arise when we are sorting out conflict, but it can become a problem when we come to believe that our interests are the only one being served in a conflict decision. That is where ethics comes in. An ethical code is a document adopted by an organization in an attempt to assist those in the organization called upon to make a decision (usually most, if not all) understand the difference between 'right' and 'wrong' and to apply this understanding to their decision. Adopting an ethical code therefore generally implies documents at three levels: professionally, organizationally, and individually.

The International Association of Fire Chiefs has published a document that addresses the first level. There are many fire departments that have published their own version at the organizational level, but there are few individuals that have developed their own code of conduct.



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Regardless this model works to bring about some dialogue about different dimensions and parameters if you put it in the context of interest based negotiations and potential conflicts of interest over outcomes. This model does not work well in positional discussions. If a person draws a line in the sand and will go no further then why bother to have any kind of discussion there is no dialogue.

The tie breaker then becomes a third party who steps in from the outside and then either delivers the decision to one party or the other. It is in the best interest of the fire profession to become experts at interest based dialogue in the context of this model. In other columns I have alluded to the fact that if we don't know what something costs it is real easy for us to demand that it be done that way. However once we do know what the cost is of a particular code impact then maybe it gives us the confidence to figure out what other options and alternatives might be available. We have to remember the financial interest we are truly protecting is the taxpayers of our communities.

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