

A Civil Engineer's Risky Non-Technical Journey Through Ethics, Law, and Business
A Text for Civil Engineering Seminar At the University of Kentucky College of Engineering
by J. Richard Cheeks, PE JD

Much to my chagrin, as I read the manuscript of my new book in preparation for class, I discover errors that remain after multiple attempts to identify and eliminate them from the text. I will update this ERRATA SHEET as I discover additional errors over the course of this semester.

One of the obstacles that all writers face is finding errors in the writer's own writing. The writer knows what the writer intended to write, and the writer's eyes (and brain) tend to see what should be there rather than what is there. For this reason, fresh eyes can identify these types of errors.

Each of you have a set of such fresh eyes, and each of you will be reading this material.

I will award 5 bonus points to any student this semester who identifies an error in the current manuscript that is not already cited on this ERRATA SHEET. A student may submit an error to me by email citing the location of the error and describing what the error is. In response, I will review the submitted error, and I will notify the submitting student of the outcome of my investigation by return email. If it is an error that has not been previously added to this ERRATA SHEET, I will add the error to the ERRATA SHEET with a notation of the student who identified it and the date of the addition to the ERRATA SHEET, and I will add 5 bonus points to that student's point total for the semester.

Each time I modify this ERRATA SHEET, I will upload the updated version to CANVAS, and students can track the status of identified errors by downloading this PDF from time to time either via CANVAS or from the CE-401 webpage.

ERRATA SHEET¹

1. On Page 3, the sentence that reads "Three ethical decision making case studies, *The Truesteel Affair*, *Gilbane Gold*, and *Testing Water and Ethics*, allow students to apply the ethical decision-making criteria and methods." Should be modified by changing the "and" between "Gold," and "Testing" from italics to regular font.
2. On Page 3, the sentence that reads, "The last seven weeks of the seminar focuses on legal and business issues." Should read as follows to correct singular vs plural disagreement, "The last seven weeks of the seminar focus on legal and business issues."
3. Page 51, After the headings, the first sentence is in the present tense while all other sentences in the same paragraph are in the past tense (ex. hired, had, completed, were, occurred, agreed). Plus, it does not make sense to be detailing something that has already happened in 1976 in the present tense.

"In early 1976, Crown Center Redevelopment Corporation (CCR),..., **begins** preliminary planning to build a Hyatt Regency Hotel in Kansas City, Missouri."

"In early 1976, Crown Center Redevelopment Corporation (CCR),..., **began** preliminary planning to build a Hyatt Regency Hotel in Kansas City, Missouri."

Identified by Gabrielle Dice on September 6, 2021

¹ All errata items in red have been corrected in the original manuscript. Each change is preserved here for completeness of this record. The items in black are items identified subsequent to the May 2021 revisions.

A Civil Engineer's Risky Non-Technical Journey Through Ethics, Law, and Business
A Text for Civil Engineering Seminar At the University of Kentucky College of Engineering
by J. Richard Cheeks, PE JD

4. Page 52. Footnote 70 uses inconsistent acronyms. Specifically, G.C.E. instead of GC and identifies the owner as "Crown Center Redevelopment Corporation" instead of the adopted acronym CCR. Change for consistency. Finally, the footnote number format is not consistent with all other footnotes. Fix.
5. Page 67, the sentence reading, "Based these and other facts, this whistle blower: " should read, "Based on these and other facts, this whistle blower: "
6. Pages 74, 75, and 76 have some formatting issues. For example, the bulleted item, "The seven cardinal virtues" is at the bottom of page 75 and the list appears at the top of page 76. Try to reformat these 3 pages, if possible, to eliminate this split.
7. On pages 77 and 78, there is a list of 7 steps to decision making. Reformat as shown below:
 1. Stop and Think
To prevent rash decisions, to be more thoughtful, and to mobilize discipline.
 - 2. Stop and Think**
To prevent rash decisions, to be more thoughtful, and to mobilize discipline.
8. On Pages 100-101, I quote several specific statements made by various people in this case "about the consequences of the dilution option." My goal is to capture the range of statements on this specific issue. If there are other direct quotes from the video that should be considered for this specific part of the analysis, please bring them forward for consideration. If I agree, I will add them to a later edition of the book, and I will award the bonus points this semester for the suggestion.
9. Page 121, the first sentence of the last paragraph, "In the Arthur Miller play, "All My Sons," the son learns that his dad has done something terribly wrong" contains a punctuation error after the word "play" where a comma is followed by a period. Remove the period.
- 10.

A Civil Engineer's Risky Non-Technical Journey Through Ethics, Law, and Business
A Text for Civil Engineering Seminar At the University of Kentucky College of Engineering
by J. Richard Cheeks, PE JD

Substantive Issues for consideration

- a) Pages 45-46 has a discussion on Moral Authority based on an apparent contradiction between the De George exhaustion requirement to obtain moral permission to blow the whistle and Dr. Mintz's assertion that an employer's policy that mandates such exhaustion violates the individual's right to moral autonomy. This discussion needs to make two additional points. First, the De George criteria are not company policy mandating exhaustion, but a criterion that a prospective whistle blower should satisfy to have the moral authority to proceed with a whistle blowing action against the company. Second, moral autonomy is not an ethical concept but addresses an individual's ability to act independently of others and decide whether to abide by ethical duties and principles or not.

The last final paragraph of this section should be replaced with the following two paragraphs:

There is no contradiction between the De George exhaustion criterion and Dr. Mintz's concern that a company policy that mandates exhaustion violates an employee's right to moral autonomy. The De George criterion operates for all prospective whistle blowers to satisfy important moral and ethical duties associated with a whistle blowing decision. The presence or absence of a company policy that requires exhaustion is not relevant to applicability of the De George criterion. In addition, moral autonomy is the philosophy that recognizes an individual is self-governing or self-determining, i.e., acting independently without the influence or distortion of others. Dr. Mintz's expresses concern that a company policy can influence and distort an individual's self-determination. Furthermore, it seems clear that moral autonomy relates to the individual's conclusions about conduct, independent of ethical issues.

As we will see in upcoming chapters, Michael Josephson distinguishes core ethical values as having universal application and transcending individual choice or selection. In the realm of ethics, moral autonomy does not include an individual right to decide what is morally proper behavior. Thus, moral autonomy is not applicable to ethics, and the De George criteria requiring internal whistle blowing as a condition precedent to whistle blowing is effective toward achievement of ethical goals.

- b) Page 48, the introductory paragraph about the Korean Shopping Mall collapse currently says "The 45-minute video about the Korean Shopping Center collapse provides information about decisions that the owner of the facility made once construction began. Make no mistake that in the Korean shopping center case, a greedy owner is the central party driving this facility to its demise, but design professionals and construction professionals cooperated with that owner every step along the 5-year path to calamity." This paragraph does not clearly identify the parties involved in this project. The owner is the Sampoong Group, a developer, and no video or writing about this case identifies a separate, independent entity as the designer. It appears that the facility design originated from within the Sampoong Group. The original contractor was Woosung Construction, but when Sampoong Group changed the design from housing to mall space and from 4 to 5 above ground stories, Woosung Construction refused to implement the new design, and Sampoong fired Woosung. Sampoong then employed its own wholly owned subsidiary construction company to build the facility. The owner was the designer and the eventual builder. Design and construction professionals who worked for Sampoong and its builder implemented Sampoong's demands. The first paragraph should be changed to "The 45-minute video about the Korean Shopping Center collapse provides information about decisions that the owner (Sampoong Group) of the facility made once construction began with Woosung Construction as the primary builder for the facility. When the

A Civil Engineer's Risky Non-Technical Journey Through Ethics, Law, and Business
A Text for Civil Engineering Seminar At the University of Kentucky College of Engineering
by J. Richard Cheeks, PE JD

owner demanded changes in the facility use, size and weight, Sampoong Group fired Woosung Construction and gave its own construction company the construction work for the facility. Make no mistake that in the Korean shopping center case, a greedy owner is the central party driving this facility to its demise, but design professionals and construction professionals in Sompoong's employ cooperated with that owner's greed every step along the 5-year path to calamity. In essence, the owner was also the designer and the builder of the facility. Finally, the owner bribed the governmental building inspections officials in order to build the deficient structure." This is an increase of 75 words, 64 to 139 words.

- c) Page 69 relates a communication from Mr. Fred Wickman about the professional status of their whistle blower/informant. It is written, "A few weeks after that meeting, I received a note from Mr. Wickman that simply said, "I don't know." I interpreted that response to mean that the whistle blower probably is an engineer, but there is no way to know." This may not convey to intended message. If the KC Star knows that their informant is not an engineer, it would be very easy to simply say so. I have little doubt that the KC Star actually does know who their informant is, and whether this person is or is not an engineer, but there is no way to be absolutely certain of their knowledge in the face of their denial. I suggest the following revision. "A few weeks after that meeting, I received a note from Mr. Wickman that simply said, 'I don't know.' Since KC Star probably knows their informant's professional status, I interpreted that response to mean that the whistle blower probably is an engineer, because if this person is not an engineer, what possible harm could arise from simply saying so. Nevertheless, there is no way to know in the face of the KC Star's denial off this knowledge."
- d) In Chapter 7's summary of the Gilbane Gold case, on pages 107-114, there should be some discussion added about the nature of Tom Richards' complaints being with the City rather than Z-Corp. Tom Richards wants Z-Corp to unilaterally change testing methods to a newer, more sensitive test. In essence, Tom Richards believes the current regulations are not adequate due to the specified test method and the permission for dilution. Even if Tom Richards' issues are valid, Z-Corp is the wrong entity to address them. Tom Richards should take his issues to the City of Gilbane to seek changes to the regulatory system that applies to Z-Corp and other local industries that generate heavy metals in their wastewater effluent. Consider adding this point to Chapter 7.
- e) On Page 145, there is a reference to ASFE's **Recommended Practices for Design Professionals Engaged as Experts in the Resolution of Construction Industry Disputes**. Association of Engineering Firms Practicing in the Geosciences, Silver Spring, Md. These brief ethical guidelines have been adopted by at least 25 professional societies, including ASCE. It is available from ASFE, 8811 Colesville Road, Suite G106, Silver Spring, Md. 20910. Expand this slightly to better identify this publication.
- f)