

Meeting Location: Long Beach, CA
Meeting Date: Monday, June 26, 2017
10:15am – 12:00pm, Nieto (R-2)

Programs Sponsored or Co-sponsored in Las Vegas:

- Saturday June 24 @2:00PM: Programs Sub-committee, COVE Coffee Bar + Lounge
- Sunday, June 25 @8:00AM: Workshop 5, Engineers on Trial: You Decide Guilt or Innocence (Room 102AB, LB Conf Center)
- Monday, June 26 @11:00AM: Workshop 8, Opaque OPR's Produce Obscure Objectives (Room 201B, LB Conf Center)
- Monday, June 26 @2:15PM: Seminar 30, Your Ethics Tool Box: Building a Framework for Ethical Decision-Making With Case Studies (Room 103A, LB Conf Center)
- Tuesday, June 27 @1:30PM: Debate 3, Fellow's Debate: There is No Purpose in a Code of Ethics (Room 203AB, LB Conf Center)

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1. Welcome & Introductions (Jen)
 2. Committee scope (Jen)

TC1.7 will educate the ASHRAE membership in business, management and general legal matters, which touch and concern the HVAC industry and its members. The committee will enable this education through the selection of speakers and offers for programs, and through the publication of articles and other educational materials.

3. Review the Code of Ethics: (Jen)

As members of ASHRAE or participants in ASHRAE committees, we pledge to act with honesty, fairness, courtesy, competence, integrity and respect for others in our conduct.

- a. Efforts of the Society, its members, and its bodies shall be directed at all times to enhancing the public health, safety and welfare.
- b. Members and organized bodies of the Society shall be good stewards of the world's resources including energy, natural, human and financial resources.

- c. Our products and services shall be offered only in areas where our competence and expertise can satisfy the public need.
 - d. We shall act with care and competence in all activities, using and developing up-to-date knowledge and skills.
 - e. We shall avoid real or perceived conflicts of interest whenever possible, and disclose them to affected parties when they do exist.
 - f. The confidentiality of business affairs, proprietary information, intellectual property, procedures, and restricted Society discussions and materials shall be respected.
 - g. Each member is expected and encouraged to be committed to the code of ethics of his or her own professional or trade association in their nation and area of work.
 - h. Activities crossing national and cultural boundaries shall respect the ethical codes of the seat of the principal activity.
4. Roster Review (Scott/Jen)
5. Approval of Minutes from prior meetings (Las Vegas, 1/17)
6. TC Chairs Report (Jen)
7. Sub-Committee Reports
 - a. Programs – Jim Arnold
 - b. Website – Kristin Schaefer
 - c. Publications - Norm Maxwell (?)
8. Old Business
 - a. Revisions to publications
 - i. ASHRAE Member's Survival Guide – Contracts
 - ii. The Good, the Bad and the Ugly (Documents and E-mails): What Every ASHRAE Member Should Know About How Documents and Emails are Used in Litigation, DVD edition
 - iii. ASHRAE Member's Survival Guide, Pt. 2 — Avoiding Pitfalls in Engineering Practice (Mike B.)
 - iv. ASHRAE Member's Survival Guide – Design/Build (Mitchell Swann)

AGENDA

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Business Management & General Legal Education

9. New Business

- a. A possible ASHRAE research project to pay for and produce materials, such as a video and/or publications on engineering ethics in HVAC&R.

10. Next Meeting: Monday, January 22, 2018, 10:15am-12:00pm, Chicago, IL

11. Adjourn

APPENDICES

Background for MCAA

Mark Owen: I'm just touching base to see if any of your TC members have had a chance to provide their thoughts on what a good publication on this topic would entail. I know we've just come out of August vacation/Labor Day holiday, so there may not have been much attention focused on this. Thank you for any comments/recommendations we can pass along to Tim Wentz. We greatly appreciate your help.

Steve Comstock: ASHRAE President Tim Wentz asked that I follow up on the initiative to develop a joint ASHRAE MCAA publication. I spoke with Mike Bilderbeck in the late summer at his region's CRC. Mike said the TC would be discussing what Mark Owen outlined below down the road.

Can you tell me if this idea is under active consideration by the TC or if it can be discussed in Las Vegas?

Follow up: FYI, We will move ahead with reselling the MCAA guide in our bookstore but with no ASHRAE endorsement, branding, identification, etc. Just an item in the bookstore.

Larry Spielvogel:

I have just skimmed the 216 pages. Why would ASHRAE not do the same for the hundreds of other publications of other industry parties? While this goes into great detail to make claims against owners, there is much less detail about credits to owners. Where credits are given, I did not see many claims consultants, manufacturers, engineers, independent lawyers, or owners. Thus, is this publication balanced? Where values are provided, I did not see any independent peer reviewed publications to support those values. Please tell me why ASHRAE should endorse this publication when it could be used against its members. I suspect they want ASHRAE's endorsement for our credibility, assuming we have any on these subjects. Not being a lawyer, I cannot say if the case law cited is complete or balanced. On the other hand, ASHRAE members could benefit from this by seeing the importance of doing things right. The authors of standard forms of contract should use this to limit claims. In the interest of full disclosure, I have been previously engaged as an expert witness by one or more of the law firms cited.

Mike Bilderbeck:

I think I mostly agree with Larry.....but I have an inherent bias (being a consulting engineer).

This document trains contractors how to track and obtain change order dollars. This often happens at the designer's expense, or that of our Owner. It sometimes is between the general contractor and the subcontractors.

While I realize contractors are an important part of our membership, owners and consultants are a much bigger part.

I have to believe we would be widely criticized for our endorsement of this document.

Since I happen to be TAC chair, I'd like guidance on this issue

Name	Voting Status	Committee Position
Jennifer Leach	Yes	Chair
Duane Wolf	Yes	Vice Chair
Scott Fanning	Yes	Secretary
James Arnold	No	Program Subcommittee Chair
Farooq Mehboob	No	Ethics Subc ch
Samir Traboulsi	Yes	Member Non Quorum
Kristin Schaefer	No	Webmaster
Michael Bilderbeck	Yes	Member
Michael Connor	Yes	Member
Michael Cooper	Yes	Member
R Lee Millies	Yes	Member
Richard Rooley	Yes	Member
Leon Shapiro	Yes	Member
Lawrence Spielvogel	Yes	Member
Mitchell Swann	Yes	Member
David Evers	No	Provisional Corresponding Member
MONEY KHANNA	No	Provisional Corresponding Member
Jerome Lemens	No	Provisional Corresponding Member
Kris Tan	No	Provisional Corresponding Member
Kathryn Vawter	No	Provisional Corresponding Member
Cynthia Callaway	No	Corresponding Member

AGENDA

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Business Management & General Legal Education

Adam Doublestein	No	Corresponding Member
Kenneth Fulk	No	Corresponding Member
Kevin Gallen	No	Corresponding Member
Judith Maxwell	No	Corresponding Member
Norm Maxwell	No	Corresponding Member
Monte Troutman	No	Corresponding Member
V Vyas	No	Corresponding Member
Filza Walters	No	Corresponding Member
Wayne Webster	No	Corresponding Member
Michael Bilderbeck	No	Tac Chairman
Amir Jokar	No	Section Head
Christopher Phelan	No	Chapter Technology Transfer Chair
Shinsuke Kato	No	Research Liaison
James Bochat	No	Ali/pdc
Rick Heiden	No	Standard Liaison
Michael Vaughn	No	Staff Liaison