

LEVERS FOR INTERVENTION IN ORGANIZATIONAL DECISION-MAKING:

Fudging Bureau-CATS Unmasked by TRANSPARENCY

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ABSTRACT

A juicy case study of dead-end whistle-blowing inquiries over a steep and narrow if not precarious hillside home construction site in Open Space zoning in southern California is described and examined in light of a systemic theory for reprogramming “Bureau-CATS” (B-CATS). Coping with this breed, from land grading to fire road standard enforcers, from Planning to Building to Fire road Inspectors, is described in terms of Dramaturgical (Goffmanesque “discrepant role”) and Labeling Theory (Sykes & Matza’s “neutralization techniques,” 1957) as well as “splintered” formal organization-theory (revised from Slawski’s 4-box flow diagrams on BUREAU-cratisis (Shanghai, 2002), and now on “how to navigate through its maze”), finally ending in a new and widely applicable GST type of feedback and feed-forward model of how to reprogram the system of permissions and superficial inspections, fraught as it is with vicious cycles (*a la* Alvin Gouldner on rules), plus the red-tape ball fudged by both the contractor, and the choir of county ‘B-CATS,’ all to the detriment of the presumably formerly open environment, the danger of foundation or wall failure (perhaps because of a nearby earthquake fault), undermining the narrow, winding pot-holed fire road, or a possible landslide of the house down the hill into the creek-bed below. Who cares? Who gets paid off, at least by in-bred ‘idiosyncrasy credits’ through the virtual “old-boy network” established between inspectors and SPEC house builders? Neighbors’ property rights and peace of mind be damned! How does this kind of ecologically corrupt, vicious cycle (of greedy developers over norms of sustainability across generations) get started? Why doesn’t someone do something about it? Has anyone tried well-focused and pointed oversight, in a word, TRANSPARENCY? Read on and see for yourself.

Key Words: ‘BUREAU-cratisis’ / vicious cycles / ecological corruption /
land development / greed.

A large number of considerations, factors, and bits of useful information will be outlined in order to begin to set the scene for understanding the systemic, comprehensive and frequently cyclical processes that might in the end aid our broader understanding of how to live with or manage the stumbling blocks of bureaucracy and its minions or correlates. In the process we hope to illustrate these processes with aspects of an in depth case study of a public bureaucracy as it attempts at least on paper to oversee the residential home construction process.

We will begin with a list of parallel and opposing forces in Chart #1, taking the example of a home building contractor in relation to a county’s building inspectors. The chart lists the contractor’s (or builder’s) priorities in the left column, and the building inspector’s priorities. While the builder wants approval of his/her plans for construction,

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the inspector in principle wants to guard the safety of buildings in the county (or at least to keep his/her job, and move up the occupational and salary status ladder). [Since the facts show that virtually all inspectors and builders are male, the masculine pronouns will be used henceforth.]

In somewhat more detail, the inspector wants to look rational, look busy, please the boss, and keep records as per official guidelines. However, when necessary or expedient, the inspector may fudge inconsistencies in interpretation of the codes and ordinances, or to cover up incomplete, inconsistent, or even contrary rules with discretionary decisions. That might in turn require "cooling out" neighbors who complain, or meddling neighbors (who are not deemed to have knowledge of the rules and traditional procedures, let alone a history of prior unfair or even unvalidated decisions about prior construction cases. The complainant may be "cooled out" by means of tactics of "neutralization" (Sykes & Matza's five), or through a long catalogue of ways to scotch a good idea.

Next we will summarize Chart #2, on the Functions of How Regulations Work. The 16-fold table is a combination of T. Parsons' and Robert Merton's concepts respectively of LIGA (Parsons' L= latent pattern maintenance, I = integration, G = goal attainment, and A = adaptative functions, that apply to any system level, such as a group or social system, and Merton's manifest and latent dys- and eu-functions). In each of the four squares, and the large box overall, the lower left corner represents L, the lower right I, the upper right G, and the upper left corner represents A. Within each of the four squares, the upper triangle represents a manifest eufunction, the lower triangle a latent dysfunction, the left triangle a latent eufunction, the right side triangle represents a manifest dysfunction. For example, in the upper right or G (the goal-attainment) box, the suggested contents for the upper triangle or the "*manifest eufunction*" of construction regulations is the intended result of happy residents and neighbors (when the project progresses and upon its finish). The right-hand triangle (within the upper right box), the manifest dysfunction area, suggest that red tape, and even endless referrals, the shell game of continual dead-ends, and overall frustration can result for either the builder or the neighbor, or both. The possible latent eufunctions of the regulations for construction might be possible mutual satisfaction for builder and inspector if the neighbor-whistle-blower gets good results. The most troubling area is the lower triangle (within the upper right box) representing latent dysfunctions of the regulations, which suggests that county procedures might be leaving openings for con-artists, easy graft, bribes, vicious cycles, or *de facto* lack of oversight of the project and its safety violations. There may also be revealed dense if unwritten rules that frustrate everyone, leading to use of neutralization tactics, plus the promotion of rationalization for errors. "Unacknowledged shame" (a la T. Scheff) of builder or inspector might breed strategies of revenge toward others involved, be they builder, inspector, neighbor or whistle-blower. The other three main boxes in Chart #1 with four triangles each can be read in the chart itself.

Chart #3, on Vicious Cycles of Fudging, employs the author's (elsewhere explained, in ISSS Proc. 19 and textbook, 1999?) four-box flow diagram which analytically separating out the upper left box, #1 to represent the inspector. Box #2, the upper middle rectangle, contains the results of interaction between inspector and the others involved in the systemic social structure represented by the upper right rectangle, box #3. Arrows

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between boxes represent action between or from outside the box(es). Dashed arrows primarily represent feedback. Rectangle #4, at the middle bottom of the page represents information gathering of output effects of the prior action(s).

Thus, to plug in the main content into the four boxes, looking first at box #1, the inspector has certain security needs, perhaps in part induced by uncertainty and anxiety from his overall job and personal image of self. These needs are put in the context of what is normally the relative isolation within the clique of county departments and the inspection team. These motivating factors lead the inspector to obey the party line closely lest he incur resentment from his bosses or fellow inspectors. If the safety of internal departmental isolation fails, then the inspector may incur disfavor from within the department and be in danger of not getting promoted. If the main action, the approval or exemption decisions of the inspector is carried out and the builder gets his way, there may result weak or adversarial bonds between these two main parties, at least unless the whistle-blower (as an alternative actor in box #3) is rejected. The dysfunctional communications that may occur between and among the parties involved are likely to be noticed but set aside by the main parties, but amplified by the whistle-blower. When this discrepant information is brought to light in the "discovery process" (box #4) by the whistle-blower or his helpers. This would especially be the case if the failures or errors of the builder or the inspector are unveiled but unacknowledged, for their own face-saving or for reasons of their own short-term job-satisfaction, the result for the inspector (box #1) may be negative labeling or a form of punishment, and possibly news stories about the failures of inspectors or their respective departments or agencies. When the inspector (or his successor) realizes prior errors in granting of permissions or waiving of permits, then he may retaliate against the most vulnerable target, the whistle-blower, or perhaps belatedly against the builder if he is not able to defend himself against the true facts of the failure to enforce or live up to the building code and ordinances.

Chart #4, "How County Decisions Promote Code Violations: Bureau-cratitis Exposed," with its 17 geometrical figures, and more numerous causal arrows (each suggestive of a testable hypothesis), suggests a vicious cycle about how county procedures allow the codes to be defeated or violated with relative impunity in very many cases. In words, but without precise references to the figures, the table attempts to summarize the following ideas. Beginning in the upper left-most figure, taking the case of a single job situation wherein the original civil engineer (CE#1) notes the approximate locations of building ELEVATIONS as they appear on the builder's (being his own architect's) original or initial plans. When those plans (in the plan check process) are taken at face value by the Planning Department they are easily given zoning clearance (ZC). Once ZC is received, a building permit is easily granted by Building and Safety (45 miles away), virtually on face evidence of the builder alone, as stamped by the builder's Geo-Technical Engineer and the virtually entirely off-site civil Engineer (still CE#1). Once the all-important Building Permit is granted, the understaffed Building and Safety inspector only occasionally and superficially verifies specific details of the ongoing project(s) [to the chagrin of potential offended neighbors or whistle-blowers]. Because of only occasional verification procedures, when the time comes for the later civil engineer (CE#2) to stamp approval of such details as the height code compliance of the building, he may be ignorant of how to measure that requirement on a sloping grade,

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assign the task to a surveyor (who may be unlicensed and who does not keep careful records, as necessary for true and lawful compliance). The surveyor in turn knows who pays his fees (the builder), and so he is likely to be reluctant to find any measurement or calculation that is blatantly out of compliance with the ordinance or codes. That tactic will get the surveyor future jobs with this builder or his friends, and is an easy target for a bribe from builder to the surveyor reporting back to his unknowing boss, the second civil engineer (CE#2). A conflict of interest situation is thereby promoted. In effect, the original plans seem on paper to be in order, and no one reports otherwise at the final height measurement (the crucial concrete issue in focus in this paper), the result is a *"fait accompli"* (The job is done, so who cares?).

Looking at SP#2 (a second possible starting point in the same overall sequence of Table #4, and taking the facts of the real-life case), the grading process on this steep hillside begins without a permit in place, and soon without regard for depth of trenching as per OSHA violations (no unshored trench of more than five feet in depth, etc., the permit being granted on the basis of unclear if not deceptive or contradictory phrases in the building code) [e.g., "averaged midpoint" on a sloping grade to "finished grade"]. Because of this easy exemption of a Grading Permit (normally require before a Building Permit per se is granted), the reverse happens in practice. The Grading Permit is exempted because the Building and Safety compliance engineer at his desk (45 miles from the Planning Department office) assumes the building plans are in compliance with the builder's intentions, forgetting that in practice many if not most builders have ways of showing one face to the desk personnel on paper, doing virtually what they want at the site, making the project look fine to a very occasional inspector, but changing the building out of conformity with the plans on site as soon as it is safe to do so, out of site and without reporting hidden changes in the plans to the inspector or to the desk personnel at headquarters, who rarely if ever visits the site to take appropriate measurements. Planning-stage "guesstimates" of the final height from the plans submitted by the builder are never verified by anyone in the case under analysis! The Geo-Technical Engineer, also employed by the builder (and thus they are beholden to one another, another conflict of interest), easily inspects, approves, and stamps his verification of the site without serious soil testing, even in a second supplemental soils report verifying the depth of trenching.

Table #5, Critical Systems Heuristics, the 3x36 table on county buck-passing (based on prior analyses of this school of thought by Slawski ISSS 19__), suggests a different way to gain a purchase on the issues. There are twelve main sections divided first into four sub-sections (4 columns over two pages). Comparison is made of the perspective of the Client, the Decision-Taker, the Designer, and the Witness. Each of these four are analyzed in terms of three notions (the three columns), their respective social roles, then their role-specific concerns, and finally in terms of the key problems for each actor. Under each of the four actors, the subheadings are the IS, the Ought, and the resulting critique. From the point of view only of the fourth actor, the witness (or possible whistleblower), note in the box labeled #10 that the role of the witness is one of independent overseer, or possible victim, or both. This person could in future become a movement founder. Below the #10 box, the witness "Ought" to be a protector of community as an objective observer, one who aids redress of grievances after unmasking them. In the box

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below the last one, the “Critique” given by the witness in the case in questions is that most neighbors are too busy to care until disaster strikes, maybe due to being frustrated, tired, or even personally threatened.

Under box #11 (still of Chart #5), representing witness and concerns (column), the witness will be concerned with access to records of inspections of the construction project, as well as concerned with unfair or unclear laws, inadequate inspection procedures, and in general with weak or even superficial oversight by county officials. The box below the last one, in the Critique row, Concerns column, suggests that the witness may become mired in red-tape, sent down blind alleys, and in the end receive the runaround from county officials.

Under box # 12, the witness tries to procure compliance to the codes by the builder, and adequate oversight of the builder by county officials. He needs to frame the issues in a way that county officials might deviate a bit from their traditional but inadequate procedures. Though the witness (and the inspectors and the builder each) may have a somewhat colored view of the situation, the self interest is probably highest on the part of the builder, secondly by the inspectors, and hopefully least so on the part of the witness or whistle-blower. In any case, all parties involved must cope with an impersonal virtual octopus of organizational subdivisions, each bound up in red tape and characterized by vicious circles of buck-passing. Again under box #12, the Ought box suggests that the witness needs to gather allies, perhaps even found a movement for a strategic clique of activists, a pressure group, which can help calculate the rewards minus the costs for each party involved in the complaint at issue. Finally, in the next box below, the lower right box overall, Key Problems related to a Critique of the whole situation, the witness could easily become consumed by a web of vicious circles, have his voice not be heard, or not taken seriously, especially since his unmasking, if successful, might expose the sins of neighbors or of his own self interest. If he acts with less than a pure intention to serve the public interest, he may be falsely accused of violations of his own. Thus, in the end he must set doable goals, attainable benchmarks along the way, and be willing to show how his wishes for code enforcement is more than pure self interest rather than being an expression of the NIMBY maxim: “Not in my backyard!”

In the process of fudging, county officials (and others) are likely to try to “neutralize” his effectiveness by negative labeling, such as summarized in Table #6, “Neutralization Techniques: FUDGE ...and ...TRANSFORMATION” of the techniques. Sykes and Matza’s classic subset of labeling theory suggests five ways to neutralize or condemn the words or judgment of authorities, especially the unwanted imposition or reminder by authorities of how to think about the condemners. In the present case, it is likely to be the authorities themselves who attempt in their minds to neutralize or condemn the implied or actual accusations or complaints of a whistle-blower. The chart should be read from bottom left up each of the three columns, which assumes perhaps presumptuously that the bottom row is more basic, and typically a building block for each of the next higher levels. However, it is not intended to imply that the bottom-listed form or style of neutralization must be attained before the next higher level(s). In any case, the *left* column lists examples of ways to employ language that in turn fits each of the five forms

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of public fudging by the builder, and to some extent by the building inspector. The *middle* column suggests the reverse of the five forms of negative labeling. Finally, the *third* column suggests or implies a positive attitude on the part of the now prior negative labeler (who might be the builder, the inspector, or even the whistle-blower). Clearly, these kinds of positive attitudes or positive labeling are rare in the world of the bureaucratic organization, except for the public relations speeches of paid representatives. One would hope for this kind of attitude, namely positive reality checking by any party (and especially on the part of public servants like the inspectors of a building project, particularly in relation to an honest and factually based whistle-blower). Thus, to briefly review the third column, from bottom to top, it would be desirable for site inspectors as public servants to have the following **attitudes**, namely, 1) safe and well-chosen self-examination (perhaps aided by organizational development facilitators), 2) empathy by the inspector or his superiors toward both the builder, and his co-equal citizen, the whistle-blower, 3) willing to engage in genuine DIALOGUE with those genuinely interested in transparency in government, with a view toward improving their department's own procedures, 4) promotion of substantive due process (rather than easy stamping of approvals that make bribes or conflicts of interest possible without discovery), then 5) holding to a universally acceptable moral code or principles of ethics appropriate to the inspector's profession and public service occupation. The latter in turn would be a mild form of granting full human rights to the potentially negatively effected complainant or whistle-blower. Beyond the original five forms of neutralization turned positive, we here suggest that a public servant ought to 6) cultivate self and social actualization above all, as these prior five principles apply to the subculture of the building trades over which they have oversight.

Chart #7, "Why Rules Rarely Improve, Let alone Improve the Environment," is a decision tree in the form of a vicious circle of events, with two possible starting points (SP#1 and SP #2). Note that each arrow represents a temporal sequence, and the overall direction of the facts of the real case lead causally toward the upside-down triangle in the lower right corner ("Low Quality Buildings or Environment"). Beginning at SP#1, in the upper left of the nine figures, we can see that the citizen (here the neighbor or potential whistle-blower) initiates a procedural or substantive INQUIRY. If the inquiry is received (noted by the Y for Yes in the decision tree), the county's desk clerk or inspector REFERS the complaint, postpones handling it, ignores it, calls back, or perhaps the inspector visits the site to see whether the complaint is based on true facts. If the referral is processed, later permissions are left to the DISCRETION of the inspector (which can easily result in superficial inspection by the inspector, who may be hassled in many ways both personally and be laboring under a heavy work load). Thus OVERSIGHT in practice is virtually MISSING, based on in-bred information, or even by grievously FUDGED by the inspector or his traditional procedures. Next, two events are possible, the first being the end result of Low QUALITY of the building or the neighboring ENVIRONMENT. The other possibility is that on a somewhat broader level, it is noticed (particularly by an astute whistle-blower) that the RULES rarely change to match the new realities (of new and rather solid evidence in the present case, but the rules themselves act in practice to protect the status quo for those officials with

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enforcement discretion, or to protect the Big Money interests, such as a large developer, or at least a builder with more money than the neighbors or the whistle-blower has). When the Rules rarely change, there will likely occur splintering of bureaucratic jurisdictions, if not a blinding CONFUSION of RULES (in this case of the construction guidelines). This confusion in turn leads to the original starting point of a citizen initiating an inquiry. Returning for a moment to the outcome of Low Quality, there can be a new and direct initiative by a citizen for a new (or the same old unfixed) complaint (restarting at SP#1).

Starting at SP#2 (the bottom circle), it appears that Legislative Action with funding and citizen backing can make change possible that goes beyond the typical or traditional ROLE CONFUSION (this being perhaps the first if not the only effective lever for change in the system elaborated by the vicious circles themselves. But if legislative action takes place, it is still possible that the department heads, regulators, and law-makers will COP-OUT (perhaps for their own unstated reasons, if not due to conflicts of interest or pressure from the bigger-monied interests). When the cop outs occur, confusion of rules reigns again, likely as before, or new confusions take their place, new inquiries begin again later (at SP#1). And so the world turns, even on his own head.

Chart #8, on the "Function of TRANSPARENCY in BUREAUCRACY, especially in local government," (1+3 columns by 5 rows), suggests examples from the case at issue in terms of hypotheses related to openness in government as they affect 1) the whistle-blower or third party, 2) the contractor or initiator of an action, and 3) the inspector (or county or other governmental official, possibly including legislators). Continuing our spotlight on the whistle-blower (the first box for the first content column under "3rd PARTIES," opposite row #I. INCENTIVES) suggests that the incentives of clarity (or in the case at hand, lack of clarity) for action may well lead to dead-ends for the whistle-blower, endless referrals, passing the buck, and frustrations. If clarity reigned however, those frustrations might more likely be mitigated.

Going down the column opposite row "#II, Knowing rivals' abilities can help preserve fair competitive EQUITY or opportunity against powerful special interests", the box content suggests that the presence of a whistle-blower might facilitate the third party's ability to navigate an otherwise non-rational system for justice.

Opposite row #III (Hypothesis: "Knowledge of the ongoing process and desired goals makes CREATIVE, NOVEL, or ENVIRONMENTALLY SOUND ACTION more possible and likely.") the box under the 3rd PARTY column suggests that the presence of a possible whistle-blower might enhance the possibility for open communication, clear rules and even enforcement that in turn makes environmental activism towards a sustainable community possible and effective. Sub-points A, B, and C will be left for the reader's future exploration.

Opposite #IV (still in Chart #8, Hypothesis: "Transparency UNDERMINES PRIVILEGED POSITION"), IN THE BOX UNDER 3rd Parties suggests that the presence of such an observer of the building process "gives environmentalists facts and

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evidence vs. destructive rule-breakers and grossly negligent contractors. In the interests of space, subpoints A-D will be left for future analysis.

The box opposite #V (Hypothesis: "Knowledge AVOIDS STEREOTYPES.") suggests that the presence of a 3rd party could more easily help a future appellant to know better to whom to make an appeal, say of inadequate explanations of discretionary decisions or exemptions (in this case by government or county building officials). Subpoints A and B will be left for future enhancement.

Chart #9 (derived from Bozeman, 2000), has the long title: "When and Why DISCLOSURE of Information to Citizens Can Improve COMPLIANCE and the Rules Themselves." The Conditions for the positive effect of disclosure are put in tabular form that leaves two open columns to the right for the reader or future analyst to pencil in examples of how each of the fourteen points or sub-points might play out in practice. Two of the main points are: I. Increased citizen information will lead to greater code compliance. And third party observation, II. Inspectors (and others) are more likely to take care with the adequacy of their information about granting permits and implicit compliance by the builder.

Chart #10, "REPROGRAMMING Bureaucratic FUDGING," is an array in the author's four-box flow chart mode. Some of the main points are, starting in box #1 (upper left square, representing the aspirant, actor, who could here be either the inspector, the builder or the whistle-blower), are as follows: If say the whistle-blower has sufficient technical knowledge, competence and a positive SELF-concept, or a Good "Me," he is more likely to try to aid other persons, or to take action by reaching out to the other parties involved. Starting next from box #3 (upper right, representing program opportunities or valid and clear avenues for appeal of a biased or superficial granting of permission by the inspector to the builder), if balanced and critical thinking about code violations occurs, then truth and fairness in the total transaction are more likely to occur. The result of this interplay or interaction between the whistle-blower (box #1) and the ombudsman who (from the perspective of box #3) aids in making the process fair to all parties concerned, will set up a pattern (in box #2, the Worthy ENDS box) of acting efficiently in harmony with the environment, through dialogue with open-minded decision-makers, appropriate networking, cooperative, rational, and ultimately WISE ways that are fair to all parties in the mix. This fairness or maximum payoff for all parties is enhanced (as per box #4, the lower center rectangle, which tries to view and evaluate data in terms of rewards and costs to each party), through critical oversight, transparency, empathic knowledge, including of the implicit authoritarianism that would otherwise hinder due process for the two prototypical main actors, the builder and the whistle-blower. Much more could be said based upon this flow diagram, but too much at once is likely to be confusing to the reader.

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REVIEW AND CONCLUSION

Renewing a Declining Organization

By way of summary, here are a few general observations and recommendations [revised from the author's listing of 1/17/91 (RenDOrg.lsp)] that apply quite well to the present case of county bureaucracy.

I. CHARACTERISTICS of a Declining Organization:

- A. Low Productivity or profit, or
- B. Low product quality, especially in the view of the clients or customers.
- C. Low morale.
- D. A mismatch in the organization between the view of its upper management and its customers.

II. CAUSES of Decline:

- A. Failure of the organization and its members to collectively learn things like new skills or procedures or management tactics, for example along the lines of product design and development.
 - 1. Lack of sufficient variety of modes of adaptation to the organization's environment.

III. Possible POINTS OF INTERVENTION:

- A. Employ creative but competent hiring criteria, especially in terms of area of expertise, quality of candidates, and advance training.
- B. Take feedback to management on quality control seriously, particularly on the product development (or on-site oversight) procedures, by on-line workers (or inspectors).

IV. Possible Ways Toward SOLUTIONS:

- A. Use of Soft Systems analyses (e.g., the author's SPS or the 4-Box, Social Problem Solver mode of analysis)
- B. Redesign the organization along self-renewable lines, making it subject to periodic readaptation.
- C. Implementing Theory Y or Z guidelines.
- D. Implementing systemic decision-making procedures (in the global social work or practical policy manner suggested by J. Algie, 1975).
- E. Use the EGS (Banathy's Evolutionary Guidance System) or some similar OD (Organizational development) procedures to facilitate renewing the organization from within.
- F. Use of Quality Circles to improve cooperative product improvement.

Three sets of evaluations and guidelines were submitted, along the lines just stated, to a county Supervisor, whose assistant acknowledged their receipt, but which were apparently not seen as worthy of a serious response by his office.

"Zap The Kangaroo"

In light of the "advantages" of the Kangaroo Court (or star-chamber proceedings) as frequently put into practice by bureaucratic officials when they are pressed or threatened, the whistle-blower should consider using some of the following tactics (stated in greater

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detail by Slawski, ISSS Proc., Australia, 1993). They should be considered as rules for dealing with a conspiratorial committee or kangaroo court.

- I. Rely heavily on:
 - A. Public Support.
 - B. Political counter-organization of supporters.
 - C. Informal, unofficial influence on the jurors.
 - D. Getting higher officials on your side unofficially.
- II. Prepare overwhelming evidence and a defense primarily for the higher or appellate courts (or the equivalent).
- III. Repeat the strongest evidence several times (especially contradictions or obvious errors in erroneous permissions or discretionary judgments)
- IV. Point out to the public and to sympathetic higher officials the real reasons for the negative decision(s) (including possible latent dysfunctional motivations).
- V. Keep records and a diary of all relevant conversations. In particular, summarize all conversations in writing with busy administrators.

Tighter yet creative guidelines for quality control of decisions and procedures for code enforcement should be promoted however feasible, including promotion of the notion in genuine practice of the principles of a “self renewing organization.”

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APPENDIX (Ten Charts to follow)

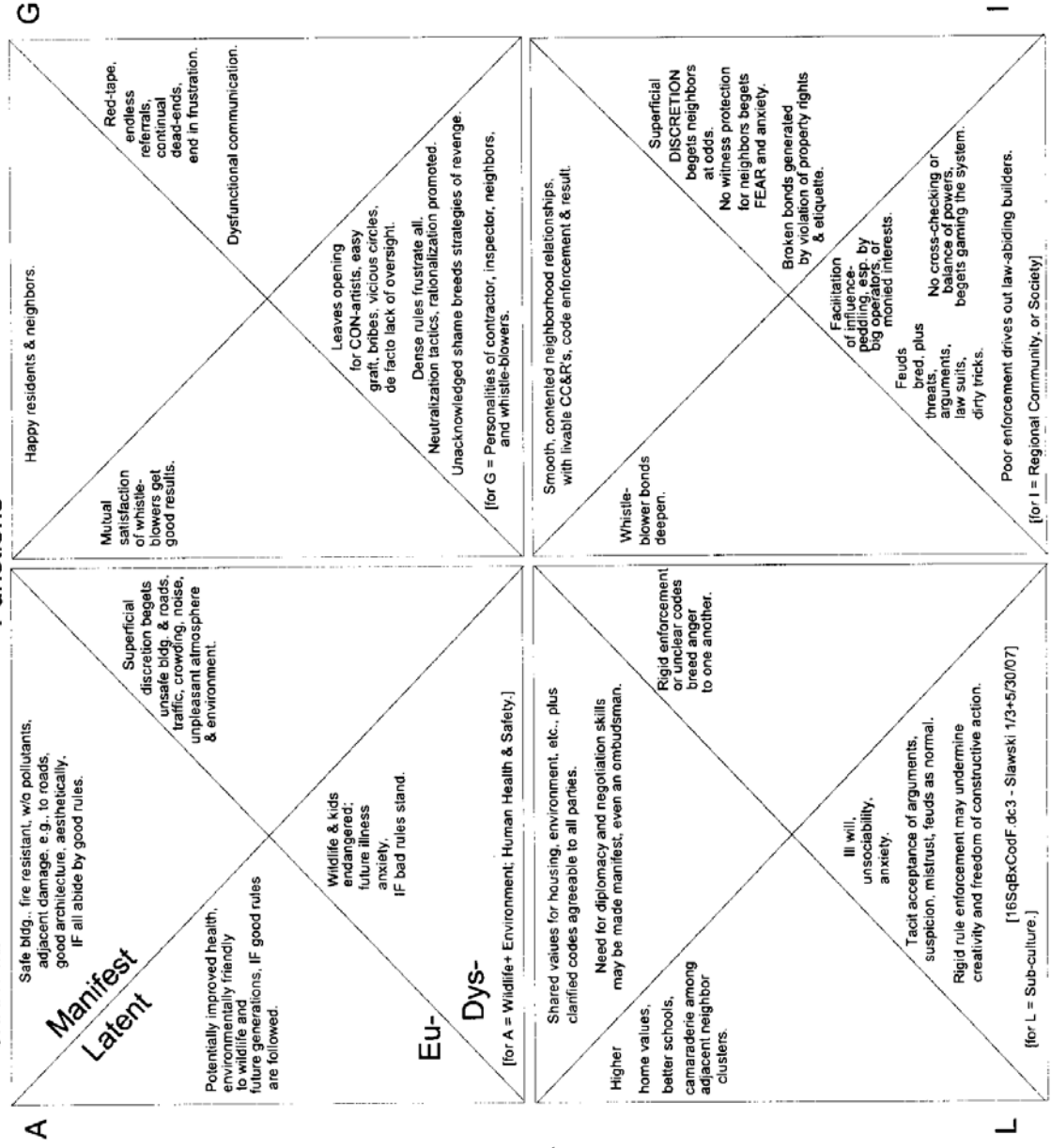
Chart #1: **OPPOSING FORCES:** Tasks in Mostly LATENT Bureaucratic Processes

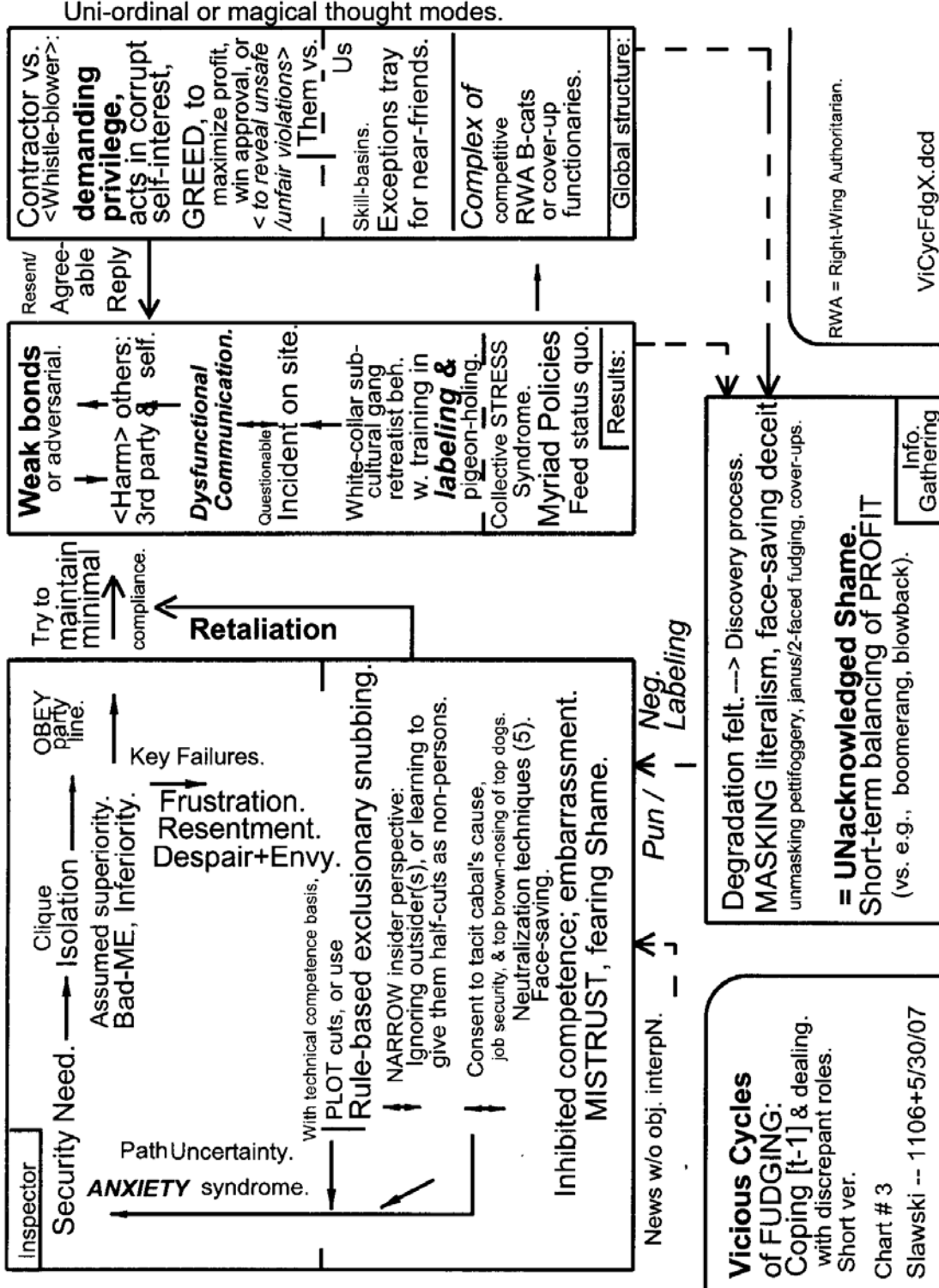
CONTRACTOR [Priorities]:		INSPECTOR [& Staff Priorities]:	
Manifest Function (stated goal or outcome): GET Approval of plans/ project		GUARD SAFETY of final project and neighbors(?).	
1. REQUESTS APPROVAL		1. Goals: Keep Job. A. Look Rational; look busy. i. Please the boss. ii. Keep records as per official guidelines. 2. Inspect job/site(s). A. In the minimum possible number of minutes after studying the plans (in the office, if at all). i. Otherwise, "Wing it!"	
A. Omit inconvenient facts.		3. Refer jurisdiction if appropriate, feasible, timely or handy.	
B. Fudgy-Weasels 1. Neutralize objections or objectors. 2. Infringe or encroach on neighbors rights or public road passageway as convenient (for builders or contractors), or as necessary. 3. Block fire road at will ["It's not my house that will burn down!"], without warning or apology, and sometimes blocking it longer than legally allowed or advisable. 4. Exploit innumerable ambiguities and contradictions between regulations, as well as shifting domains across several county departments.		3. FUDGE inconsistencies & contrary rules or prior decisions [the primary latent dysfunction!]. A. Cool Out complainants or Outsiders, with NEUTRALIZATION TACTICS (5), or (64) ways to scotch a good idea. i. Hide behind unclear, vague, and inconsistent regulations and shifting domains of responsibility across departments. ii. Cover [as a discrepant role] for errors of colleagues.	

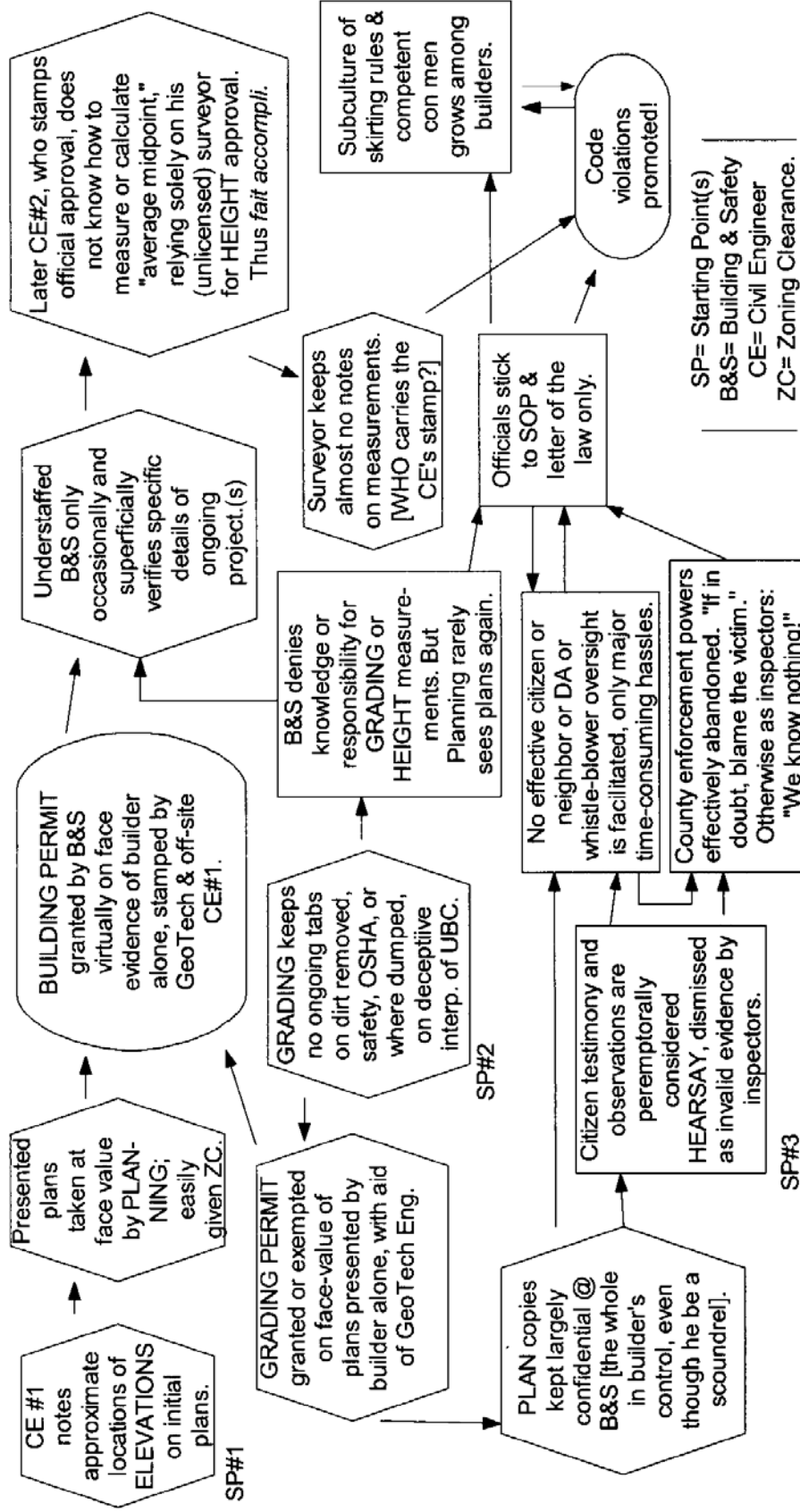
<p>C. CHOOSE the most compliant expert (e.g., geo-technical engineer), who is either likely to (or/ has):</p> <ol style="list-style-type: none"> 1. Have a NEED to: <ol style="list-style-type: none"> a. Appear legal (vs. fudge to appear as rational). b. Keep salary (or other backdoor money) or future job referrals. c. Remain beholden to contractor, NOT to safety inspection or environment. d. Deal w. quiet client(s). 2. Wishes to maximize safety and building longevity, plus preserve the environment. <ol style="list-style-type: none"> a. Assure safely built house. b. Keep area environmentally sound (with Open Space). 3. Engage in long-term advance planning vs. Do nothing unless there are complaints of neighbors (with clout). 4. Gives preference to the optional code requirement that is easiest (for the contractor) to comply with, as opposed to the one that is SAFEST for the completed building (or job), or the plan most sensitive to the surrounding environment, let alone the neighborhood. 		<p>4. DECIDE:</p> <ol style="list-style-type: none"> A. Grant Permit, Exempt, or Stamp Go-ahead. B. Require modifications (& resubmit). C. Trade-off [or 'earmark' privileges, exemptions, to keep good will of contractor, or for favors, e.g., graft, etc.]. <ol style="list-style-type: none"> 1) Tacitly grant discretion leniency to prior 'good' contractor w. minimal inspection scrutiny. D. Take Bribe outright, in secret. E. Refer (or defer to technical expert, e.g., engineer, geologist, etc.). <ol style="list-style-type: none"> 1) Who is beholden only to the State Licensing Board, but wary of possible future lawsuits (handled by his, i.e., the geo-technical or civil engineer's insurance) or the possibility of having one's license suspended. 	
Qn: Is there an Administration and Procedures Manual for B&S, Planning, PWA, or Fire inspector procedures and lines of authority and oversight?		Qn: Does inspector discretion override building safety regulations and guidelines? When NOT?	

[Slawski --- 11/30/06 + --- OppBlder.doc]

IF's: of HOW Regulations WORK during New (Home) Construction (on Delicate Plot)
 CHART #2 ---
 -Functions-







HOW COUNTY DECISIONS PROMOTE CODE VIOLATIONS:

BUREAU-cratis Exposed --- CHART #4.

[cjs, 3+ 5/30/07 --- CCodeViol.fc5]

Chart #5: **CRITICAL SYSTEMS HEURISTICS** --- 3 x 36 on COUNTY Buck-Passing

<u>Issue: County buck passing on permit approvals</u>	<u>SOCIAL ROLE</u>	<u>ROLE- SPECIFIC CONCERNS</u>	<u>KEY PROBLEMS</u> on Boundary Judgments on the Group/collectivity.
<u>CLIENT "IS"</u> (who hires consultant & sets Value Basis): = Contractor- Builder , Bus.Op- erator, Mgr. or Fu-ture homeowner.	1.SPEC builder, or future homeowner swayed by RE agent. Ignorant→ Wing it!	2.Build to pass code at low cost, high PROFIT.	3. Hires unlicensed sub- contractor, laborers w/o green card. Machiavellian GREED.
"OUGHT"	Use only licensed sub-contractors. Disclose, scrutinize, do independent inspection reports.	Build or operate to code, and clear, verifiable procedures..	Follow all clear laws, investigate thoroughly: site & neighborhood. Get religion. Be a good safe neighbor.
Critique	Likely not disclose problems. Maybe a naïve owner can be safe & enjoy it.	Fudge, lies, corner- cutting, sloppiness, negligence. Exposure → personal threats.	Mis-education. GREED, pretty, safe house to code.
<u>DECISION- TAKER</u> (who can make change & holds basis of Power): "IS" = <u>Inspector(s)</u> , in- office overseers, dept. heads → Geo-tech+ civil/ structural Eng. for foundation .	4.Oversee, report, enforce. Plan safe bldg., observe progress, esp. re foundation.	5.Overworked, limited experience or code understanding. Tries to "pass" code, not to live up to its intent.	6.Account keepers Misuse DISCRETION. Voice of normal last resort may be biased toward own money source. Conflict of interest, bribable surveyor. Procedure misses code violations..
"OUGHT"	Do thorough oversight of project, e.g., on 10 criteria for grading permit.	Enforce all clear codes or DESIGN to safe standards or recommend code changes.	Keep clear, valid accounts. Require independent search of underground perils (geologically), neighbor's experience and rights.
Critique <DISCRETION used to FUDGE>.	Understaffed inspector office w/o tools, time to do it deferred to geo- technical Engineer.	Superficial & ineffective inspections & permit-grading. Minimum of real power.	Failed accountability, corrupted by exigencies, flawed procedures, beholden to contractor, leaves most of burden on builder, who may be corrupt..
	Slawski-	Cshx36Vc.doc	3/03→ 12/06->5/30/07

	<u>ROLE</u>	<u>CONCERNS</u>	<u>KEY PROBLEMS</u>
<u>DESIGNER - "IS"</u> (= involved play - er who plans policy as basis of fairness guaran- tee): Lawmaker vs. Architect or county supervisor, Planning Commission , or Structural ENGINEER.	7.Engineer(s): Hydrologist → Architect. OR Supervisor + Law writers.	8.Safety of building + Quality of Environment, Contented neighbors.	9.Making & planning on good, clear laws. On-the-ground procedures, measurements & calculations leave gaps, losing the intent of the laws and the mission of inspectors.
"OUGHT"	Plan overall final building based on UBC + VC code, written for safety.	Strength against flood, fire, erosion, termites, road blocks, pollution, rights of neighbors..	Lawmakers & consulting engineers must be experts of last recourse for safety & environ- mental protection w/o bias, or person to fix up errors in plans & execution.
Critique	Code obscures issues, may not cover novel situations.	Vague laws, unclear. ENGINEER lies with statistics; beholden to builder, especially one with more money, influence or connections.	Quick check of job site misses defects. Long- term integrity compro- mised. Public < private interests. May choose wealthier source over community safety & good Environment.
<u>WITNESS "IS" =</u> (Watchdog(s) as Source(s) of legiti- mation to the larger society): Whistle- blower , OMBUD- SMAN or neighbor(s)	10.Independent overseer, possible victim. Potential movement founder.	11.Access to records of inspections; unclear laws. Weak oversight or inspection procedures.	12. Tries to procure compliance. Frame issues marketably. May be colored by self- interest. Coping with an impersonal octopus, bound in red tape, vicious circles of buck-passing.
"OUGHT"	Protector of community as objective observer. Aid redress, unmasking.	Identify shared interests. Get deci- der to make fair, evidence-based judgments, clear laws.	Gather allies; found a movement for strategic clique of activists. Greater R-C.
Critique	Most neighbors too busy to care until disaster, maybe frustrated, tired, threatened.	Red-taped into blind alleys, get runaround. Given cuts, silent treatment.	Web of vicious circles consumes. Not heard. Expose sins of neighbors. Not purely public interest. May violate social desirability. Set doable goals, attainable benchmarks, YIMBE-ism over Nimby-ism.

[Changing Bureaucratic Decision-Makers]

NEUTRALIZATION TECHNIQUES: Public Player FUDGE and its **TRANSFORMATION**

UNMASKING WORDS of Denial	REVERSING Labels to HUMANE COMPASSION:	POSITIVE REALITY CHECKING: [Read up.] Completion steps to mourning for past unacknowledged shame & REVENGE.
[The five generic techniques come from Sykes, Gresham M., and David Matza (1957), "Techniques of Neutralization: A Theory of Delinquency," <i>American Sociological Review</i> 22, December.]	--- CHART # 6 --- [NL5BrCtr --- Slawski --- 1/30+ 2+3 + 4/9 + 12/9/06 → 5/30/07]	6. CULTIVATE self and social ACTUALIZATION of OTHERS , or at least of (some) humans in an honest subculture, aiding their ascent up the 5 steps of their need ladders. A. Design and Serve Social & Ecological networks toward a better world system. B. Each one should do some ethical (negotiating & whistle-blowing) practice on a routine basis.
5. "APPEAL TO A HIGHER LOYALTY": A moral code: Land development alone is our higher law, as is loyalty to our friends in the bureau- cratic permit line of author- ity. To appease them is expedient. As is GREED.	5. Our fulfillment and happiness ultimately and eventually depend on the common welfare of earth's cooperative inhabitants, seeking the greatest good of the greatest number.	5. Hold to a universally acceptable MORAL CODE , with its ripened branches of fruit in terms of practical maxims for daily exercise. A. Apply to self and others, even at a practical level. Give esteem (even to bureaucrats). B. Declaration of Human Rights. C. Preserve our Open Space ENVIRONMENT.
4. "CONDEMNING THE CONDEMNERS": The safety of "them" & their land is not our concern. What have "they" ever done for our pocket- book?	4. If we know them personally, we will vouch for them as responsible citizens, forgiving their sins and offenses if they genuinely repent and make amends.	4. Promote substantive " due process " rights over self-serving corruption, BUREAU- cratit, or authoritarian fundamentalism.
3. "DENIAL OF THE VICTIM": 'Them' neighbors is our enemy. They're nothing but bitches & trash. Their feelings or rights could never be our concern. They're in league with liberal tree-huggers.	3. We will trust them unless we have verified evidence or credible witnesses that they are criminals or harbor malice, or have a history of FUDGING.	3. ENGAGE in genuine DIALOGUE with, e.g., a community of family, neighbors, international, inter-religious ecumenical persons, in well-coached small groups, including with BUREAUCRATS. A. Promote TRANSPARENCY, and ultimately Democratization Work (a la Guru Guide, or B-B- Ghali's UN program).
2. "DENIAL OF INJURY": Neighbors' ("them guys") rights are irrelevant to us. They are not our "neigh- bors." What does it matter to you? They're just igno- rant complainers. Harming petty "complainers" is a non-event.	2. They are our neighbors. We will help them in a crisis or time of need.	2. EMPATHY : plus binocular judgment. A. Accepting other (warts and all). B. Raise consciousness via story, drama, penetrating conversations, rational persuasion.
1. "DENIAL OF RESPONSIBILITY": Our ultimate loyalty is to making money, not appeasing those nearby or long-term environmental goals. That's just NOT OUR PROBLEM.	1. We offer our esteem. We will respect our honest differences with fellow citizens, try to persuade them peaceably, nurturing our common heritage, subculture, and members of the human race, as well as to rational action.	1. Safe & chosen self-examinations : often with help of friends or professionals, including review of one's ethnic/religious autobiographical roots. [Start 'truth & reconciliation' forums.] Initiate OD (organizational development) group gatherings in gov't offices

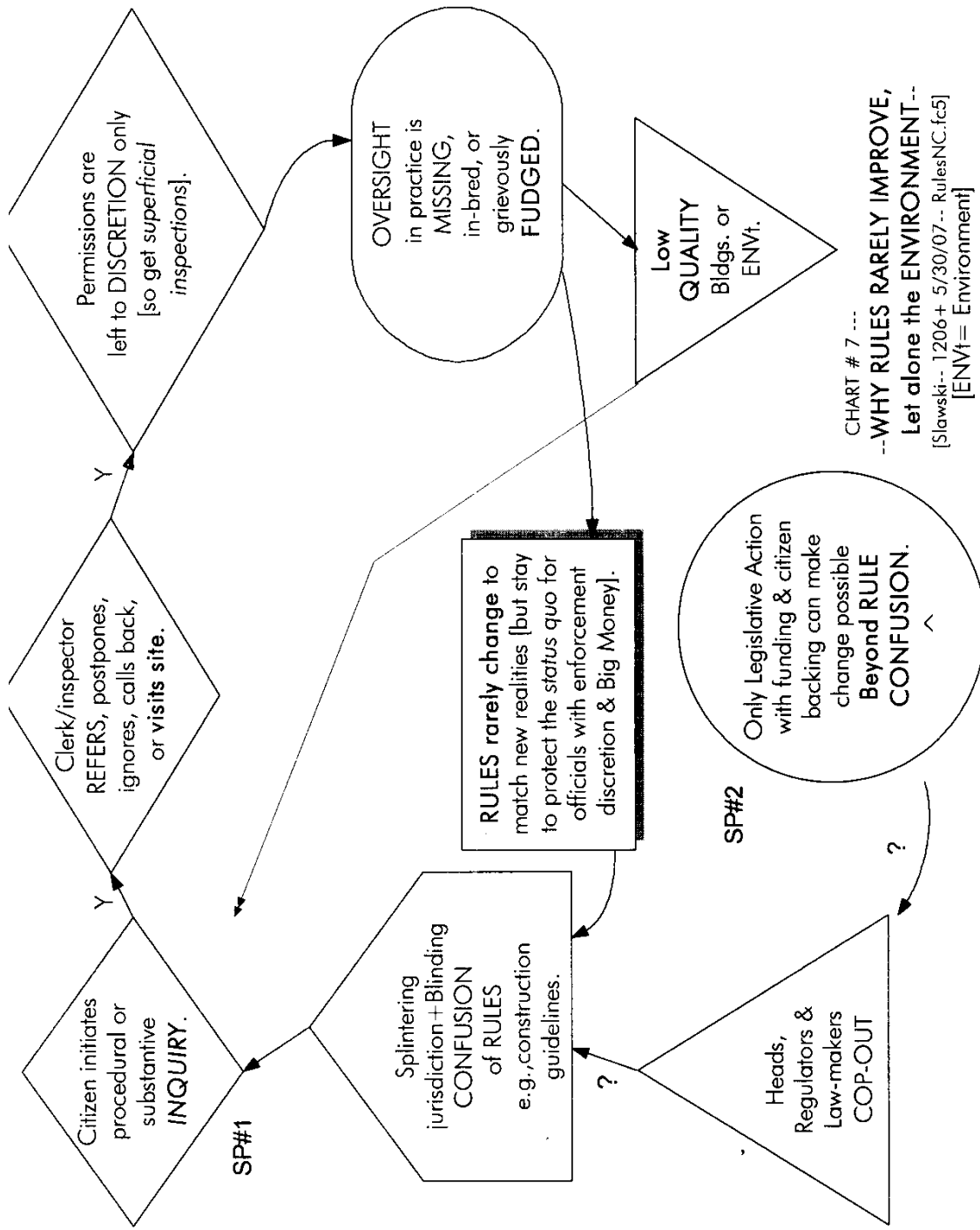


CHART # 7 ---
 --WHY RULES RARELY IMPROVE,
 Let alone the ENVIRONMENT--
 [Slawski-- 1206+ 5/30/07 -- RulesNC.fc5]
 [ENVt= Environment]

Functions of **TRANSPARENCY in BUREAUCRACY**, especially in local government.

CHART # 8: Hyps. on functions of Openness in gov't:	For 3 rd PARTIES: Neighbors, or Whistle- Blowers	For Initiator of an Action, or CONTRACTOR	For Inspector or Department OFFICIALS (or Legislators)
I. INCENTIVES of clarity for action: A. Can reduce deleterious or misplaced anxiety about evaluation of performance. B. Specification & pre- dictability of anticipated experience reduces stress & may avoid trauma.	Dead-end referrals and frustrations may be mitigated.	Obviates need to try to skirt building inspectors, to cheat, or FUDGE plans.	Vague rules make it easier to hide own errors and omissions or to rely on discre- tion only or on acquaintanceship with contractor. Integrity restored
II. Knowing rivals' abilities can help preserve fair competitive EQUITY or opportunity against powerful special interests.	Facilitates navigating the non-rational system for justice.	Assumed superi- ority of develo- pers or big money interests invites running rough- shod over regulations.	Makes negligence and fudging easier.
III. Knowledge of the ongoing process & desired goals makes CREATIVE, NOVEL, or ENVIRONMENTALLY SOUND ACTION more possible and likely. A. Revelation of contextual facts about one's place in the system makes continual innovation more possible. B. Knowledge of normative violations by others gives an incentive to gain an advantage by perpetuating the same violation . C. Knowledge of dysfunctional or destruc-tive activities allows one to learn that the publicly perceived, illicit "group or herd mandates" are unacceptable .	Open communi- cation, clear rules and even enforcement makes environmental activism towards a sustainable community possible and effective.	Could urge developers to maximize environmental friendliness of building projects and interests.	Would require change of habits and procedural re-learning. Would render FUDGING the regulations unnecessary and rarely desirable.

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Hyps.:	3 rd Parties:	CONTRACTOR:	OFFICIALS:
<p>IV. Transparency UNDERMINES PRIVILEGED POSITION:</p> <p>A. Sharing of specialized knowledge could make consumers more careful and wise in comparisons before purchases.</p> <p>B. Specialized knowledge, if shared, may give competitors a more equitable advantage or basis for more fair, equal or competitive deals or product development.</p> <p>C. If allocation in roles in the division of labor in an organization is widely shared or rotated, and relatively undifferentiated, the power of any given incumbent is not restricted to a given domain.</p> <p>D. Knowledge of the privileges or differential rewards of others doing related jobs may lead to envy, jealousy, or contented resignation with one's lot, or radicalization.</p>	<p>Gives environmentalists facts and evidence vs. destructive rule-breakers and grossly negligent contractors.</p>	<p>Maintains fair but circumscribed chance for a profit, more likely one that is environmentally sound, responsive to the needs of the general public, more honest and consistent.</p>	<p>Would require thorough inspections, not based on past history of exemptions nor on familiar acquaintanceship with contractor. Would allow full information for whistle-blower to initiate corrective action against violations of procedures, standards, and environmentally wiser, long-run regional policies.</p>
<p>V. Knowledge AVOIDS STEREOTYPES:</p> <p>A. If inside knowledge is widespread, the reality of ongoing bumpy bureaucratic functioning can spur constructive changes.</p> <p>B. Knowledge of persons undermines the basis for stereotypes and resultant blind discrimination.</p>	<p>Could know better to whom to make an appeal, say of inadequate explanations of discretionary decisions or exemptions.</p>	<p>Selective but tacit choice of lenient and "nicer" inspector would become less feasible or desirable.</p>	<p>All contractors and whistle-blowers receive equitable, reasonable judgments within a clear law. Inspector keeps full integrity and honesty.</p>

[Inverted from *Fn's of Ignorance* by Slawski --- 12+6+12/06+ 5/30/07 --- FnKnowIn.doc]

WHEN AND WHY **DISCLOSURE** OF INFORMATION TO CITIZENS CAN
IMPROVE **COMPLIANCE** AND THE RULES THEMSELVES --- Chart # 9

CONDITIONS:	Comments:	Exists in VC?
<p>I. Increased citizen information will lead to greater source [clerk, inspector, or department head's] compliance assuming the following conditions pertaining to citizen suits [or informational inquiry initiatives]:</p> <p>A. The information gathered by state (or any public) agencies is indeed readily available to the citizens.</p> <p>B. Citizens are aware that the information is available.</p> <p>C. The information is available in a form that is usable.</p> <p>D. Citizens are sufficiently attentive and can mobilize.</p> <p>E. Citizens have the financial resources for law suits.</p> <p>F. Citizens have adequate legal expertise at their disposal.</p> <p>G. The courts are receptive to the citizen suits (rule on standing).</p>		
<p>II....And assuming the following conditions pertaining to source officials' (clerk/inspectors') behaviors:</p> <p>A. Sources [e.g., clerks, contractors, inspectors and heads of public or state agencies or departments] are aware of the fact that information provided to state [or other public] agencies is available to citizens.</p> <p>B. Sources are more likely to take care with adequacy of their permitting information and compliance behaviors because of the availability of information to citizens.</p> <p>1. The threat of lawsuit is palpable.</p> <p>2. The threat of lawsuit is a deterrent (rather than say a welcome opportunity for legal challenge).</p> <p>3. If the source (contractor or inspector) is motivated by some other [contrary] factor (e.g., the need to keep a "clean" public image related to availability of information, i.e., the absence of a compelling need to consider lawsuits), then the source may not be motivated or inhibited by the deterrent threat or the negative side effects of a [possible] lawsuit.</p> <p>C. Assuming [constructive] motivation, sources [contractors, clerks or inspectors] must have sufficient knowledge and resources to improve information reporting and compliance.</p>		

[Bozeman, Barry (2000), *Bureaucracy and Red Tape*, NJ: Prentice-Hall, Table 8.3, pg. 155.
Emphasis and bracketed comments added by Slawski, 1206+ 5/30/07 -- DisclRul.doc]

Stages of civility, to synergy w.ombudsman.

