



Mining and Metallurgical Society of America

P.O. Box 8383 • Pueblo CO 81008
Phone: 303-726-6431 • Web site: www.mmsa.net
Email: contactMMSA@mmsa.net

July 15, 2020

Topics in Professional Ethics for Discussion

By David M. Abbott, Jr.
MMSA Ethics Webinar, July 15, 2020 – 2:00 – 3:30 p.m.

The free one-hour ethics webinar will present a variety of professional ethics topics for discussion by participants. Topics will include:

- Who is your client?
- Aspects of insider trading: what and when can or should you disclose something?
- Dealing with a client who wants a more favorable report
- Professional competence and specialized knowledge
- Confidentiality versus protection of the public's health, safety, and welfare
- Whistle blowing
- Bribes or facilitating payments? (The webinar did not get to these slides. These topics will be covered in a follow-up Webinar.)

Comments during the Presentation

Following are all the comments entered into the Zoom chat during the presentation.

Notes:

- Comments are unedited.
- Times are the clock time when the comment was made in chat. (Not the time from the beginning of the presentation as in the video.)
- Some of the people who commented in chat also talked and discussed more in the audio/video.
- The comments below are not keyed to the slide being presented.

Clock Time	Person	Comment
14:23:40	Brian Groff	Absolutely
14:24:05	Donald Cameron	Accommodate if reasonable, otherwise tell client to pound sand.
14:24:12	Jeff Parshley	more times than i can count
14:27:11	Brian Groff	As an employee: must assess the personal liability to you.
14:30:15	Donald Cameron	Snowden

14:32:30	Donald Cameron	Pretium situation is an example of how 43-101 has not protected investors--clear resource estimation disaster
14:36:37	Debbie Struhsacker	Stan Dempsey
14:43:03	Walter Weinig	having unique experience isn't unfair
14:43:06	Brian Groff	I don't believe it is unfair.
14:43:33	Adam House	The incumbent always has an advantage, but it's certainly not unfair.
14:43:51	Jeff Parshley	using unique experience for the benefit of a client is not unfair
14:44:07	Laurie	Some times the RFP is written so that a specific company can win the reward
14:45:08	Walter Weinig	The RFP issuer may have an unfair selection process, but that isn't on the bidders
14:46:55	alisterh	Reverse question; can you describe a situation in which you believe a bidder would compete unfairly
14:49:08	Walter Weinig	FCPA-related issues, personal non-business-related relationships?
14:49:51	Laurie	Yes, when a company sells equipment, sells engineering services, etc. An example, when the engineering company is hired by the Client to review all the bids (technical bid analysis) and they are one of the bidders for selling their equipment.
14:53:43	franciscosotillo	RFP that promote certain oligopoly or monopoly is a fault of the issuer not of the bidder. In those cases, is against the law; thus, not ethical.
15:07:46	franciscosotillo	Is not the ICMM defined clearly what sustainable is? Referring to the development and social acceptance?
15:08:52	Debbie Struhsacker	The federal and state laws governing mining authorize the degradation. Environmental impacts must be minimized but there are no statutory or regulatory requirements to avoid all impacts. That would make mining impossible.
15:15:04	Mark Bowron	First, bring it to the attention of supervisor.
15:15:27	Walter Weinig	Yes, start within your chain of command
15:16:07	Donald Cameron	If you don't get a good answer your boss, leave the company. Whistleblowers get smashed.
15:16:10	Patrick Williamson	Put it writing
15:16:16	Marco Carrasco	review the detailed information about the mitigation plan and to understand why not been implemented
15:16:54	gastu	try to determine the root cause and develop corrective actions
15:18:39	Mark Bowron	In keeping with the first slide, obligation to the shareholders?
15:18:52	Walter Weinig	if you are knowingly out of compliance and fail to report, there may be personal criminal liability involved.
15:18:55	Thomas Aldrich	get companies often have internal telephone number to report these type of things
15:23:10	Debbie Struhsacker	Gag orders are often established by a judge.
15:23:45	Brian Groff	Geoscientist should work through his/her attorney.
15:24:49	Walter Weinig	One interpretation of the gag order is that the judge and both parties to the lawsuit believe the community is better served by not airing the geoscientist's opinion
15:24:55	Debbie Struhsacker	Are you drawing a distinction between a gag order and an NDA as a contractual obligation?

15:26:52	Marco Carrasco	I think the gag order is law so you can't disclose his opinion
15:27:18	franciscosotillo	I have a question. If the gag order is given by the judge, inn't him responsible for the public effect?
15:30:18	Mike Blois	My thanks to David for taking us through what is always a relevant and important topic to the members of the MMSA.
15:31:09	Karen J	Thank you for the presentation.
15:31:11	Laurie	Thanks.
15:31:12	Walter Weinig	Thanks David!
15:31:15	jpickarts	Thanks, Enjoyed the discussion
15:31:17	Marco Carrasco	Thanks !
15:31:18	Adam House	Thanks David.
15:31:19	Dayan Anderson	Thanks
15:31:23	G. Dante Ramírez R.	Thanks David and Betty
15:31:31	Robert Johansing	Thanks David!