Report on a Case by the Board of Ethical Review

Case No. 74-10

Political Announcement on Firm Stationery

Facts:
Richard Roe, P.E., is a partner in an engineering firm. He becomes a candidate for nomination to the state senate in a primary election and, in support of his candidacy, issues a statement on the firm stationery. The name of the firm on the letterhead is "Richard Roe Associates." The letterhead contains the usual type of listing of partners, their society affiliations, and address and telephone number. At the bottom of the stationery is a line reading: "Complete planning and engineering design of public schools, auditoriums, recreation centers, civic centers, hotels, public airports."

The body of the announcement on the firm stationery contains a picture of Mr. Roe and a heading in 18 point type- "Political Roundup." Below the heading is a second line in 14 point type-"Richard Roe Enters Race." These headings are followed by a statement of Mr. Roe's background and qualifications, and below that text statement in 18 point type is a further statement-"Time for a Change." That line is followed in 30 point type with a line reading, "Vote for Richard Roe" and below that in 14 point type-"For State Assembly."

In the basic statement Mr. Roe recites his membership in several professional societies and in a fraternal order, his previous involvement in political activities and experience in planning and design of various types of public works, including reference to one particular major project. The statement alludes to his close contact with government and the spending of public funds. The announcement also contains the following statements:

"He feels that his training and experience will be very helpful in unraveling some of the glaring inequities in state laws relating to employment of professional services . .. There are more inequities in the laws than most realize, proven by the fact that many professionals must hire an attorney in (name of state) to sue state boards for the privilege of practicing in (name of state)."

Question:
Is the use of engineering firm stationery in the manner indicated to promote the political candidacy of a professional engineer ethically permissible?

References:
Code of Ethics-Section 2(b) "He shall seek opportunities to be of constructive service in civic affairs and work for the advancement of the safety, health and well-being of his community."

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Section 3(a) "The engineer shall not advertise his professional services but may utilize the following means of identification:

Section 3(a)(3) "Brochures, business cards, letterheads, and other factual representations of experience, facilities, personnel, and capacity to render service, providing the same are not misleading relative to the extent of participation in the projects cited and provided the same are not indiscriminately distributed."

Section 11 "The engineer will not compete unfairly with another engineer by attempting to obtain employment or advancement or professional engagements by competitive bidding, by taking advantage of a salaried position, by criticizing other engineers, or by other improper or questionable methods."

Discussion:
We have heretofore considered a series of cases involving the candidacy of professional engineers for public office noting:

It is both ethical and desirable that professional engineers be involved in political causes and be candidates for public office (Case 61-1).

In seeking public office an engineer may properly publicize his engineering competence and background (Case 61-1). It is not appropriate, however, for an engineer candidate to use his PE seal in political announcements or advertisements (Case 61-1).

It is not unethical for engineers to indicate membership in professional societies on professional cards or other forms of announcement (Case 64-12).

It is not unethical for an engineer candidate for public office to utilize the "Engineers' Creed" in political advertisements (Case 65-7).

It is not unethical for an engineer to circulate a form letter on his firm's stationery to other engineers in support of the candidacy of another person for election to public office (Case 71-7).

In light of these previous discussions and conclusions under their own particular facts, we need not belabor the propriety of engineers entering the political arena. It follows that the engineer, to be on an equal footing with other candidates, must have reasonable latitude and flexibility in shaping and presenting his qualifications to the electorate. He must not be unduly handicapped by too rigorous an application of ethical considerations to the point that he is unable to wage a vigorous campaign and take advantage of his background, experience, and claimed superiority over others seeking the same office.

Under those criteria we do not find any ethical objection to either the format or text of the statement of Mr. Roe. Some of the language with reference to inequities in the employment of professional services and the administration of certain state laws

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governing professional practice in the state may imply some criticism of other engineers. If so, we are not prepared to say that such implications are not permissible in a political campaign, nor do we pass upon the validity or soundness of such possible charges of mal-administration of public officials, be they engineers or otherwise.

Our only ethical concern is that the political material is on the stationery of Mr. Roe's firm and particularly because the stationery includes language, as quoted, pertinent to the firm's qualifications for certain types of projects. Such a listing of qualifications or experience is not ethically objectionable in the normal use of engineering firm stationery, but when coupled with its use for political purposes there may be some implication of advertising of professional services on an indiscriminate basis as proscribed by §3(a)(3) as opposed to the situation in Case 71-7 where the letter was distributed only to other engineers. We do not say by this comment that Mr. Roe may not properly show his interest and relationship in the firm in his regular political promotional materials, but we do question the use of the firm's regular stationery for the political advancement of one of its partners. Engineers should keep their political material separate from their professional firm's material.

Conclusion:*
The use of engineering firm stationery in the manner indicated to promote the political candidacy of a professional engineer is not ethically permissible, but the engineer may utilize his professional affiliations and professional background and experience in promoting his political candidacy in regular political material.

***Note**-This opinion is based on data submitted to the Board of Ethical Review and does not necessarily represent all of the pertinent facts when applied to a specific case. This opinion is for educational purposes only and should not be construed as expressing any opinion on the ethics of specific individuals. This opinion may be reprinted without further permission, provided that this statement is included before or after the text of the case.

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