

Report on a Case by the Board of Ethical Review

Case No. 71-7

Solicitation of Support for Political Candidate

Facts:

Engineer A, a partner in a well-known consulting engineering firm, circulated a form letter on stationery of the firm to other engineering firms in the state immediately prior to an election for governor of the state. The letter recited in some detail the problems connected with the construction of a highway loop around a major city in the state and the delays encountered in the development of other major highway projects in the area, noting the concern of the writer that the delays in these highway projects would cause serious economic loss to the community.

Without connecting the main points in the letter cited above, the last paragraph asked the recipients to share the concern of the writer and ". . . to join with me in supporting (name) FOR GOVERNOR, a man of courage and determination and a man vitally concerned with these and all the problems facing our state."

Question:

Was it ethical for Engineer A to circulate the form letter described above to other engineering firms in support of a candidate for political office?

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."

Section 1Kb)-"He will not offer to pay, either directly or indirectly, any commission, political contribution, or a gift, or other consideration in order to secure work, exclusive of securing salaried positions through employment agencies."

Discussion:

As we held in Case 62-12, "It is beyond doubt that the engineer as a responsible citizen has and should have the same opportunity as others to hold political views and support the party or candidate of his choice for political office. Such interest and activity is to be encouraged."

In reaffirming this principle, we need ask only whether the form letter circulated by Engineer A was intended to curry favor with the new governor, should he be elected, thereby putting his firm in a better position to secure engineering assignments from state agencies or otherwise have the advantage of political influence through the support of the candidate. There may be a suspicion that this was the motive of Engineer A, but we cannot predicate our interpretation of the code on suspicion. It may just as well be true that he felt that the candidate would do more to encourage and bring about

swifter completion of certain highway projects which he felt were in the public interest. There is no evidence that the firm itself was involved in the design or construction of the highway projects mentioned in the letter.

Question may also be raised as to the propriety of sending the letter on the stationery of the firm rather than through the use of personal stationery of Engineer A. We may speculate that Engineer A felt that a personal letter from him to other engineers would not carry the same weight and receive as much attention as a letter on the stationery of his firm, and we are not disposed to decide whether or not this would be the case. Suffice it to say, that there is some merit to the belief that a letter on the stationery of a well-known engineering firm in the state will command more attention than a personal letter from an individual. It must be recognized that such a letter on the firm stationery may be interpreted as expressing the views of all principals of the firm.

Even if we were disposed to consider the cost of preparing and mailing the letter as a political contribution we would not hold it to be a violation of Section 11(b) under the rationale stated in Case 62-12 that "the size of the contribution relative to the public office being sought is a material factor. A nominal donation would not imply that the contribution would result in favoritism, whereas a donation of several thousand dollars might well carry such a connotation." Applying the normal costs of preparing and mailing a form letter to a few hundred firms in the state, we would consider it to be a nominal donation.

Conclusion*:

It was not unethical for Engineer A to circulate the form letter described above to other engineering firms in support of a candidate for public office.

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