



*Anne Arundel County  
Ethics Commission*

March 30, 2009

*By Electronic Mail Only*

Re: AO-09-15

You inquired about the ethics law limitations on your solicitation of votes for a contest you entered with Golf Digest. You are an employee of the fire department; however, you entered this contest in your personal capacity, and you were selected as one of four finalists. The contest, now in its second year, is described as follows on the magazine website:<sup>1</sup>

Golf Digest joined forces with the United States Golf Association and NBC Sports to create a first-of-its-kind event in which an average Joe golfer would get to find out just how high he'd shoot on the same course that U.S. Open competitors play, with a USGA rules official observing. The round would be played in the company of three celebrities, and NBC Sports would record every shot for a nationally-televised broadcast on U.S. Open Sunday. You might recall at Oakmont in 2007, when Tiger Woods said of that U.S. Open setup, "A 10-handicapper isn't breaking 100 out there."

The winner will be selected based upon the number of votes he receives from readers of the magazine and other interested people.<sup>2</sup>

The contest sponsor has promoted this contest and the finalists with photographs of each finalist in his every-day professional clothes and a short video describing each finalist's interest in the game of golf and reasons for entering the contest. Since the contest sponsors are looking for "average" golfers and not professionals, it seems that references to each contestant's job are an integral part of the contest promotion. You were photographed in your fire department uniform, and the six-word slogan you used as your entry was "fire chief burns up the course." In the short bio provided, there is a reference to the fact that "[you command] 830 firefighters and 500 volunteers for Anne Arundel County." There is also a video of you, and included in that video is a picture of you standing next to a county fire vehicle.

The ethics commission first notes that under §7-5-107(a), a county employee may not use the employee's job title, uniform, or other county resources for personal gain. On the other hand, an employee should not be penalized simply because the employee works for the county. In this case, you simply entered a contest that was open to the public and provided the information required of all contestants. Your professional connection to the county cannot

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<sup>1</sup> [Golf Digest U.S. Open Contest: The Final Four: Golf Digest Magazine](#)

<sup>2</sup> Voting is done online at: [https://condenast.eprize.net/golfdigestopen2009/index.tbapp?affiliate\\_id=3h](https://condenast.eprize.net/golfdigestopen2009/index.tbapp?affiliate_id=3h)

reasonably be seen as an endorsement of this contest by the county, any more than it can be seen as an endorsement by the employers of the other 73,000+ contestants.

The prestige of office provision above-cited, does however, prevent you from using county e-mail, or other county resources to solicit votes. You may certainly solicit votes from your personal computer through e-mail, social utility websites, personal blogs and any other resources to which you have personal access. You may solicit votes from other firefighters with whom you have a social relationship, regardless of whether those relationships were acquired originally because of your professional affiliations. You may solicit votes through professional fire fighters organizations only if the organizational rules permit social communications through official channels.

You also asked whether you may post information on departmental bulletin boards. The commission advises that you must use the bulletin board according to department regulations. If the department permits the use of bulletin boards only for employees of the fire department and permits personal messages, you may post information about the contest. If the bulletin boards are accessible to the public, you may not use them for such messages, since it may appear to the public that the county is promoting this contest.

Thank you for your inquiry. Please contact the commission office if you have additional questions.

The Anne Arundel County Ethics Commission

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By: \_\_\_\_\_  
Betsy K. Dawson, Executive Director