

BOISE CITY ETHICS COMMISSION

Advisory Opinion

10-01

FACTS: The Director of Zoo Boise writes children's books in his spare time. The Director's first book is being offered for sale on Amazon.com. In order to successfully sell books, self-promotion and marketing are required by the employee. All promotion and marketing would take place on the employee's own time and at his own expense.

QUESTION: May the employee market his book stating that he is the Director of Zoo Boise or would doing so be a violation of the Boise City Ethics Code?

OPINION: The employee may state that he is the Director of Zoo Boise in his marketing materials so long as he does not use his position as a primary marketing tool.

ANALYSIS: The Commission considered the following City Code provision in reaching its decision:

1. Boise City Code § 1-21-03(A)

Boise City Code § 1-21-03(A) prevents a city employee from using his official position to obtain financial gain for himself, any member of his family, or any business with which he or a member of his household is associated.

At this point, this is not a situation in which the employee is using his official position to obtain financial gain for himself. This code section seeks to prevent employees from engaging in an abuse of power associated with their positions. However, employees are permitted to use the knowledge or experience that they have gained from their employment for personal use. In this instance, the employee wishes to promote and market his children's book. While the employee is able to list that he is the Director of Zoo Boise in his materials, it should not be used as the primary marketing tool. The employee's position may be listed in his biography and he can talk about his position when marketing this book. It is recommended that the employee send his press releases regarding this book to his supervisor prior to their release to ensure that the language presented is appropriate.