

Case 7

The State Volunteer Firefighters Association's Dilemma

“Okay, I think everyone is on the call,” intoned Chief Jake Weber, the crusty board chair of the State Volunteer Firefighters Association, who had served as the chair for almost 30 years. Weber had called the emergency meeting of the Association’s executive board to discuss how to respond to ethics charges made against the association’s executive director, Abraham Firth, by the board’s current Vice President, Harold Sanders. Weber had scheduled the call with reluctance, concerned about the allegations made against the executive director, but willing to give him the benefit of the doubt. After all, for the past 20 years, Firth had been the face of volunteer firefighting in the state, and his service to the association had been exemplary.

In two decades, Firth had transformed the association from a near-bankrupt, moribund and disorganized collective into a powerful force within the first responder community in the state. He was a visible presence not only statewide, but on the national scene, as well. Whenever there was a national issue of prominence that might benefit from the expertise of someone in the volunteer firefighting community, Firth was the “go to” guy. He had made several appearances on CNN, made a short appearance in one *60 Minutes* segment, and could be counted on to deliver the association’s message with the most appropriate and credible spin to state and Congressional lawmakers. Perhaps a dozen times each year, he would walk up the steps of the State Capitol and deliver testimony to various House and Senate committees, embedded with a catchy sound bite that never failed to capture the media’s attention and make the evening newscasts.

Unlike many executive directors who turned over day-to-day operations to their staff, Firth was a hands-on executive director who sweated all of the details. He was worshiped by his staff, and he treated them with respect from the CFO to the receptionist. When they grew professionally, he encouraged them to find more challenging employment and continued to mentor them. More than a handful of volunteer fire companies in the state were administered by those who had first learned the business at Firth’s knee.

Firth gave no indication that he was unhappy with his job or the firefighting profession in general. He was usually the first person in the office and the last to leave, and he never complained about being on call 24/7 to respond to organizational exigencies. And as a volunteer firefighter himself for more than 30 years, he knew all of the issues affecting his constituency from firsthand experience. He and Chief Weber had served as a team for two decades. Weber was the chief of a VFC in a rural area upstate and had his hands full. He knew the association’s management was in capable hands, and he let Firth run the association without any micromanaging from him. Although they occasionally disagreed on policy, they worked things out quickly without any rancor. They considered each other friends.

So it was with extreme consternation and surprise when the word filtered throughout the volunteer firefighting community that someone had written a “tell all” book about his

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experiences within the volunteer firefighting community. The author was someone named “David Getty,” and it was determined that no one by that name was known to anyone and it was likely to be a pseudonym. To old timers in the state, some of the stories sounded familiar. Only a few people in the entire country would have known about them. Extrapolating, it became clear to those who read the pirated galley of the soon-to-be-published book that had appeared mysteriously on an obscure Web site that only Firth could have written it. It had appeared on the site frequented by firefighters for only a day, in PDF format, and had disappeared just as mysteriously as it had appeared. But by then, it had been downloaded by several site visitors and was virally being circulated by the hundreds among the community of first responders.

When confronted, Firth refused to either confirm or deny the allegation, saying that it was not anyone’s business.

Several board members were livid when they heard this, and Chief Weber had been deluged with calls and emails from not only irate members of his board but from staff of the volunteer fire companies that were members of the association. Weber was convinced himself that Firth was the author. And he was equally convinced that although the book would do damage to the profession if and when it was published and made available to the public, it also cast a positive light on the importance of volunteer fire companies in society, the bravery of individuals serving their communities, and the intensity of the training most members of VFCs receive. He was disappointed in several rants that appeared in the book about petty politics. And there was certainly nothing positive about the many cases described in detail in the manuscript of scandalous, and at times illegal, behavior that had been covered up.

But it was a damn good read! At times, Weber felt, he could almost smell the black, acrid smoke, and experience the adrenalin rush of racing off to a call, not knowing if it was a false alarm—as many calls were—or a serious emergency that conjured up the images of that 1991 movie *Backdraft*, which gave the public a glimpse of the heart-pounding tension involved in operations of the Chicago FD.

The outrage of those who communicated to Weber was accompanied by suggestions on how to discipline Mr. Firth for the breach of confidentiality and protocol. Other than simple outright calls for his immediate firing unless he agreed to take whatever steps deemed necessary to stop publication of the book, the board chair was called upon to require that Firth’s advance and royalties related to the book become the property of the association. The justification was that all of the stories and information shared by Mr. Firth came from sources that were related to his highly paid, professional position at the association or his previous position as the administrator of a VFC.

Another board member suggested that these were ill-gotten gains, and that Firth had a conflict of interest. Knowing that he was planning to write a book, his interest in serving the association’s membership was in conflict with his interest in generating titillating material that he could exploit to spike book sales, which may have colored his judgments about decision-making.

Another board member suggested that even if the book had been complimentary to the association and the profession, Firth had no right to take advantage of his position to

generate his own personal wealth while he was employed professionally by the association. At a minimum, in order to access confidential records and sensitive matters, he was ethically required to obtain permission from the board, as those who shared information with him were doing so with the expectation that his access to information was predicated on the assumption that he was serving the interests of the association and its members rather than himself. In addition, the property of the association was not intended to be exploited for the personal gain of anyone, but rather intended for the exclusive use of serving the interests of the association.

Of particular concern to several board members was the fact that their executive director had publicly shared stories that embarrassed the association and the volunteer firefighting profession as a whole.

The downloaded galley Weber had reviewed revealed bombshells dropping with each page turn. There were stories of hazing of new members. There were accounts of VFCs discovering that some within their ranks had purposely set fires, and that they had participated in cover-ups of these crimes. There were stories of sexual harassment, and even sexual assault, of female volunteers. Volunteers were recruited who were under the state-mandated legal minimum age of 18. Prostitutes were hired to attend a members-only beer bash sponsored by one local VFC.

Also documented were tales of financial mismanagement and outright fraud, theft, and embezzlement. Racism, sexism, and anti-Semitism were highlighted, certainly scourges perhaps disproportionately affecting those who lived in many small towns that relied on the services of volunteer firefighters. These discrimination incidents were often magnified in rural areas that did not have the opportunity for diversity training, which might have been available in urban communities that might be more welcoming to those who were not of the “right” race or religion. Or, perhaps in just the past 20 years, the “right” gender. Women only recently had been forcibly integrated into the ranks of firefighting, and many firefighting organizations resisted this change in the culture that was forced upon them by federal laws. Women either gave up or suffered in silence. The book provided details of some of the most egregious cases of hazing of women volunteers.

But the most compelling and horrifying stories involving discrimination against volunteer firefighters revolved around what some firefighters did to those who they either knew or suspected were gay. One story centered upon one volunteer who had communicated no evidence relating to his sexual orientation, but who disliked football and liked Broadway show music, leading to stereotyped speculations about his sexuality. What his colleagues did to him to show their distaste would turn the movie about this book from a PG-13 to an R rating, if it ever did become a movie, which appeared to be a distinct possibility. The salaciousness of some of the stories made it quite possible that someone would find bidding on the book's movie rights to be attractive.

For his part, the author had made it clear that most volunteer firefighters were patriotic, hard-working, and put service to their communities paramount. There was nothing in the book that condoned the inappropriate behavior. There was little in the book that the board members who were either volunteer firefighters or who worked with them professionally found surprising, likely to have been embellished, or fabricated.

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The fact that this book was likely to have been written by Firth gave credibility to stories they read that they were hearing about for the first time. Yet there was something unsettling for those in the firefighting community to find out that it was one of their own who was responsible for what was likely to be a public relations nightmare. If published, the book would likely cast a cloud over the profession that would impugn the integrity of the majority for the actions of a small minority.

After Weber determined who was present, he launched a discussion of the matter at hand and what should be done.

“This is Felicia. I actually enjoyed reading the book. But I see two distinct issues that are problematic with this situation,” commented Dr. Felicia Howser, an associate professor for the State University who was a specialist in nonprofit law and ethics and the only female on the board. “The first issue, which is of paramount concern, is the potential, if not actual, conflict of interest, involved in Abe being involved at all in writing this book.

“We are paying him to be a staff member, and we should expect that this creates a requirement of loyalty to the organization. He has an obligation to represent our interests publicly and be discreet with how he shares information that he receives in the course of his job that we have a right to expect should be kept confidential. When he writes this book, it creates a dual relationship on his part.

“He has to choose between whether to represent the interests of the publisher and make the book interesting enough to generate substantial sales, or whether he represents the interests of the organization that pays his salary. There may be a value to the readers to consider his thoughts on these issues that are internal to the Association. But it certainly doesn’t have much value to us to have our dirty laundry aired in public.

“The second issue is, even if we were to require that we approve the book in advance, there is a question in my mind as to whether the income derived from this activity belongs to Abe.”

“Hightower here. I think any money generated by this book belongs to the Association,” chimed in Gregg Hightower, a VFC administrator from Oshman, on the east coast of the state. “If he made money playing in a rock band, the money would clearly be his. But in this case, he is taking obviously confidential and sensitive information that he would otherwise not have any access to and making money from telling the world about it. But even if he gives us the money, I think he should be fired regardless. He’s made some of us look like immature fraternity boys, and it is not fair for us to be paying him a cent more. I want to be on record that if he isn’t fired soon, Oshman VFC will put its Association dues payment in escrow until he is fired.”

“This is Vinnie Altman from Troy VFC. Gregg has a good point, although I don’t see what we would accomplish by firing Abe, who by consensus is a terrific executive director. I don’t see the possibility of finding anyone better to replace him. But I do see the need to discipline him for the breach of confidentiality. I suggest we let him know that we think this book violated the confidentiality of our association, and that we move to suspend him for two weeks without pay.”

“At this point, we don’t know definitively that he wrote the book, although his fingerprints are certainly on the passages I read,” interrupted Harry Sanger, in a booming bass voice that was so distinct and unusually loud that no one required him to first identify himself before his comment. “Jake is a good friend of his; maybe the two of them can sit down, have Jake explain why we are so pissed at this, and see if Abe himself is willing to admit that perhaps writing this book while still employed by us was not such a good idea. Maybe he is willing to voluntarily donate all or part of the proceeds to some charity as a sign of good faith, or better still, simply inform the publisher that he has had a change of heart and is withdrawing the book from consideration.”

“This is Williams,” intoned Tom Williams, a driver of a hook-and-ladder for Griffin VFC. “I think we should fire the S.O.B. He violated our trust. I don’t know how I can have a private conversation with him in the future about a sensitive matter without thinking that he is taking notes and I’ll read about it in his next book.”

“I’ll talk to Abe, as Harry suggested, but I think it is wishful thinking to expect that this book will never be published in substantially the form that we have seen. But maybe we can use our influence to have it toned down a bit. Anyway, I think we do not have any consensus within the executive committee,” summarized Chief Weber. “So I will put this on the agenda at the next board meeting in two months. By then, maybe I’ll have more information about what actually happened and some more options on what we can do about it. In the meantime, thank you all for participating, and I’ll see you at the board meeting.”

Everyone took this as the cue to hang up, other than Williams.

“Jake, you’ve got to deal with this; that’s why we pay you the big bucks to be the chair. Make it right.”

“I hear you, buddy. I’m not happy about this book, either, but as you can tell from this call, there is no clear consensus on what to do, and the options we have are limited. Even if we fire him, as you suggest, we could be hit with a lawsuit for wrongful discharge, and it could cost us plenty in legal fees even if we won. Let me talk with Abe, and see if I can resolve this to your satisfaction. Firing him doesn’t help anyone, and I think the best interests of the association would suffer, although I see your point about needing to talk to Abe without the conversation appearing in print.”

“Okay, Jake. Regards to Wilma.”

“Regards to Althea, and let’s get together after the board meeting and check out that new restaurant on Almand Street.”

“Bye, my friend.”

“Bye.”

Discussion Questions

1. What constraints can/should a nonprofit organization put on the behavior of its executive director related to how that individual spends his or her free time?

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2. Is there an implied requirement that a nonprofit employee act with loyalty to an organization that employs him/her?
3. Who has the authority to fire an executive director: the board, the executive committee, the board chair?
4. What could the board have done to avoid this situation?
5. Did the executive director in this case act unethically?
6. Does the organization have any claim to the money the executive director received for writing this book?
7. Is it a problem for any organization to have the same board chair for decades? What are the pros and cons of permitting this?

Note: This case originally appeared in *The Nonprofit Management Casebook: Scenes From the Frontlines*.