

Official's representing a private interest for pay

An elected or salaried state public official¹ should not, for compensation or on behalf of an employer, represent an individual, business, or organization before a state department,² agency, public corporation, or employee thereof except:

1. In a contested case involving a party other than the state with interests adverse to those represented by the official; or
2. At an open, public hearing of which a record is maintained; or
3. In a matter that involves only ministerial action by the agency; or
4. In a matter before the department of revenue or tax appeals commission that involves the representation of a client in connection with a tax matter.³

The Ethics Code is not an obstacle to a state official's partner or business associate representing a client before a state agency if (a) the work, judgment and compensation of the individual undertaking the representation is not subject to the official's direction, supervision, or control,⁴ or (b) the official will not benefit from the compensation derived from the representation.

¹ More precisely, an individual holding a state public office identified under § 20.923, *Wisconsin Statutes*.

² § 19.42(5), *Wisconsin Statutes*, provides:

"Department" means the legislature, the University of Wisconsin system, any authority or public corporation created and regulated by an act of the legislature and any office, department, independent agency or legislative service agency created under ch. 13, 14, or 15, any vocational, technical and adult education district or any constitutional office other than a judicial office. In the case of a district attorney, "department" means the department of administration unless the context otherwise requires.

³ See § 19.45(7), *Wisconsin Statutes*.

⁴ See 10 Op. Eth. Bd. 13 (1988).