
2007 Wis Eth Bd 02
DISQUALIFICATION

¶1 A legislator who owns a small business may vote to support legislation when it seems doubtful that the bill will have a discernible effect on the legislator's business and the bill is intended to promote competition.

¶2 You indicate that you own a small business that sells and installs household items. You ask whether, pursuant to laws administered by the Ethics Board, your business interest in any way limits your discussion, deliberation, or votes on a bill before the Legislature.

¶3 These statutory restraints are pertinent:

19.45 Standards of conduct; state public officials.

(2) No state public official may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family, or for an organization with which he or she is associated. * * *

19.46 Conflict of interest prohibited; exception. (1) . . . no state public official may:

(a) Take any official action substantially affecting a matter in which the official, a member of his or her immediate family, or an organization with which the official is associated has a substantial financial interest.

(b) Use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the official, one or more members of the official's immediate family either separately or together, or an organization with which the official is associated.

¶4 You have told us that your business installs a small number of products. Based upon the information you have supplied, it seems doubtful that the Legislature's action on the bill about which you have asked will have a discernible effect on your business. As we understand it, the bill is intended to promote competition in a sector that competes with your business.

¶5 The Ethics Board has no basis for believing that the bill will promote your business's sale of items. If our understanding is correct, then:

- your action on the bill will not result in a substantial benefit for your business [§19. 45 (2)];
- your business does not have a substantial financial interest in the bill [§19. 46 (1) (a)]; and
- your action on the bill will not produce or assist in the production of a substantial benefit for your business [§19. 46 (1) (b)]

¶6 Moreover, we invite your attention to §19.45 (1), *Wisconsin Statutes*, which provides, in part:

19.45 Standards of conduct; state public officials. (1) . . . standards of ethical conduct for state public officials need to distinguish between those minor and inconsequential conflicts that are unavoidable in a free society, and those conflicts which are substantial and material; and that state public officials may need to engage in employment, professional or business activities, other than official duties, in order to support themselves or their families and to maintain a continuity of professional or business activity, or may need to maintain investments, which activities or investments do not conflict with the specific provisions of this subchapter.

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