
1992 Wis Eth Bd 4
MEALS, LODGING, TRAVEL AND ENTERTAINMENT

A state public official may attend a dinner to which the official has been invited because of his or her public position if attendance is primarily for the benefit of the state and not for private benefit. OEB 92-4

March 24, 1992

Facts

- [1] This opinion is based upon these understandings:
- a. You are a state public official.
 - b. You have been invited to attend a dinner for officials holding similar positions from across the country.

Question

- [2] The Ethics Board understands your question to be:

Does the Ethics Code pose any restrictions on your accepting the invitation to dinner?

Discussion

[3] As you know, Wisconsin's Ethics Code prohibits state public officials from using their public positions or offices to obtain anything of substantial value for their private benefit.¹ It seems evident that the dinner is being offered to you because of your position. The pertinent question is whether your attendance at the dinner is official state business of benefit to the state's interests, and with respect to which any private benefit is only incidental.

[4] The Ethics Board is reluctant to second-guess the judgement of state officials as to the appropriate scope of performance of their duties. However, the Board is equally reluctant to permit private organizations to determine who should represent the state at public events. For this reason, we generally advise that officials accept such invitations only after consultation with appropriate authorities. In this case, we advise that you accept the invitation

¹ §19.45(2), *Wisconsin Statutes*, provides:

19.45(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. This subsection does not prohibit a state public official from using the title or prestige of his or her office to obtain contributions permitted and reported as required by ch. 11.

only upon your designation as the state's official representative by the head of your agency and that you confer with and report to the agency in connection with the event.² As a further safeguard to ensure that officials are receiving meals, such as that being offered, for the benefit of the state, and for private benefit only incidentally, the Ethics Board recommends that an appropriate state agency initially authorize the state's payment of the cost of attendance.³

Advice

[5] You may attend the dinner if your attendance is authorized by your agency head.

² See 3 Op. Eth. Bd.105 (1980).

³ See 10 Op. Eth. Bd. 53 (1988).