
1992 Wis Eth Bd 19
LEGISLATORS; IMPROPER USE OF OFFICE

Section 19.45, *Wisconsin Statutes*, does not prohibit a legislator from publicly opposing a proposed private project or from representing a person before a department if he or she receives no compensation therefore beyond the salary and other compensation or reimbursement to which the legislator is entitled by law, and neither the official, the official's family or an associated organization will financially benefit from the defeat of the proposal. OEB 92-19

April 28, 1992

Facts

- [1] This opinion is based upon these understandings:
- a. You are a member of the state legislature and a state public official.
 - b. You have been asked to publicly oppose a proposed private business project that is under consideration in your district.
 - c. You will not be compensated for your efforts.

Questions

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

Consistent with statutes administered by the Ethics Board, may you publicly oppose the proposed project, including appearing before local governmental bodies and state agencies that are involved in the decision-making process?

Discussion and Advice

[3] The provision of the Ethics Code most pertinent to your inquiry is §19.45(2), *Wisconsin Statutes*. That section provides, in essence, that you may not use your public position or office, including the prestige of office, to obtain financial gain for yourself, your family, or any organization in which you are an officer or director or in which you own a 10% or greater interest. In our view, you may engage in such activities, consistent with the laws administered by the Ethics Board, as long as you are not being paid to do so and neither you, your family, nor any organization in which you are an officer, director or 10% or greater shareholder will financially benefit from the defeat of the proposal. Indeed, §19.45(10), *Wisconsin Statutes*, specifically addresses appearances by legislators before state agencies. That section provides that:

[Section 19.45] does not prohibit a legislator from making inquiries for information on behalf of a person or from repre-

senting a person before a department if he or she receives no compensation therefore beyond the salary and other compensation or reimbursement to which the legislator is entitled by law.

. . .