
1996 Wis Eth Bd 3
DISQUALIFICATION; IMPROPER USE OF OFFICE

Unless a legislator's family's business determines that it will try to benefit financially from video gambling devices if those devices are legalized, the legislator may, without restriction from the Ethics Code, sponsor, promote, or vote on legislation to legalize such devices.

OEB 96-3 (February 22, 1996)

Facts

[1] This opinion is based upon these understandings:

- a. You are a member of the Legislature.
- b. Your immediate family owns a business.
- c. That business is unrelated to the amusement industry.
- d. The business's accounts are primarily industrial and retail businesses.
- e. There is some potential that your family's business could try to benefit financially from video gaming devices if such devices are legalized.

Question

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

Consistent with laws administered by the Ethics Board, may you co-sponsor, support, or vote for legislation that would legalize video gambling in Wisconsin?

Discussion

[3] The provision of the Ethics Code that is most pertinent to your question is §19.45(2), *Wisconsin Statutes*. That section, reduced to its elements, provides:

No state public official
May use his or her public position or office
To obtain financial gain or anything of substantial value
For private benefit or the benefit of his or her immediate family.¹

[4] You are a member of the Legislature and are, thus, a state public official. Sponsoring, promoting, or voting for legislation is a use of your office. The remaining question is whether you or your family will obtain something of substantial value for private benefit if the proposal to legalize video gambling is enacted into law. This is a question of fact.

[5] Your family owns a business. Legalizing video gambling creates a potential business opportunity from which your family conceivably could profit in the future. However, you have indicated that your family's business currently has no plans to benefit from the video gambling devices. And it certainly appears, both in terms of what that business does and who its customers are, that your family's business has only a distant connection with video gaming devices. Thus, any potential financial benefit from legalizing video gambling is remote and speculative.

Advice

[6] The Ethics Board advises that unless your family's business determines that it will try to benefit financially from video gambling devices if those devices are legalized, you may, without restriction from the Ethics Code, sponsor, promote, or vote on legislation to legalize such devices.

¹ Section 19.45(2), *Wisconsin Statutes*, states:

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. 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.