
2005 Wis Eth Bd 07
LOBBYING LAW

The Ethics Board advises that a legislative employee not rent an apartment or a house with a lobbyist unless (1) the lobbyist is the employee's relative or (2) the employee and the lobbyist are part of the same domestic unit.

Facts

- ¶1 This opinion is based upon these understandings:
- a. You are an employee of the Legislature
 - b. You are looking for a new residence that you may share with other people.

Questions

- ¶2 The Ethics Board understands your question to be:
- May you rent an apartment or house with a lobbyist?

Discussion

¶3 Wisconsin's lobbying law, at §13.625, *Wisconsin Statutes*, prohibits a lobbyist, with limited exceptions, to furnish anything of pecuniary value to an employee of the legislature and prohibits you to accept anything of pecuniary value from a lobbyist.¹ A purpose of the lobbying law is to draw a clear line barring private economic transactions between employees of the legislature and

¹ Section 13.625(1)(b) and (3) , *Wisconsin Statutes*, provides:

13.625 Prohibited practices. (1) No lobbyist may:

- (a) Instigate legislative or administrative action for the purpose of obtaining employment in support or opposition thereto.
 - (b) Furnish to any agency official or legislative employee of the state or to any elective state official or candidate for an elective state office, or to the official's, employee's or candidate's personal campaign committee:
 1. Lodging.
 2. Transportation.
 3. Food, meals, beverages, money or any other thing of pecuniary value, except that a lobbyist may make a campaign contribution to a partisan elective state official or candidate for national, state or local office or to the official's or candidate's personal campaign committee; but a lobbyist may make a contribution to which par. (c) applies only as authorized in par. (c).
- (3)** No candidate for an elective state office, elective state official, agency official or legislative employee of the state may solicit or accept anything of pecuniary value from a lobbyist or principal, except as permitted under subs. (1)(b)3 and (c), (2), (4), (5), (6), (7), (8) and (9). No personal campaign committee of a candidate for state office may accept anything of pecuniary value from a lobbyist or principal, except as permitted for such a candidate under subs. (1) (b) 3 and (c), (2) and (6).

lobbyists, who are paid to try to influence legislative action.² A lobbyist's furnishing part of the rent to enable you to lease an apartment or house would be furnishing you something of pecuniary value, just as would a lobbyist providing part of the capital to enable you to purchase a residence or an interest in a business venture.³

¶4 The lobbying law contains an exception that permits a lobbyist to furnish money and other items of pecuniary value to a relative⁴ or "an individual who resides in the same household" and permits the receipt by such individual of anything of pecuniary value furnished by the lobbyist. §13.625 (6), *Wisconsin Statutes*. However, a household is more than two people sharing living space and rental expenses. The common meaning of "household" is "[a] domestic unit consisting of the members of a family who live together along with nonrelatives such as servants." *The American Heritage Dictionary of the English Language* (fourth edition 2000). As the Wisconsin Supreme court has said, "The term 'household' is defined as those who dwell under the same roof *and constitute a family*." *Londre v. Continental Western Insurance Company*, 117 Wis.2d 54, 343 N.W.2d 128, 130 (1983) (emphasis added); *Lontkowski v. Ignarski*, 6 Wis.2d 561, 95 N.W.2d 230, 232 (1959).⁵

Advice

¶5 The Ethics Board advises that you not rent an apartment or a house with a lobbyist unless (1) the lobbyist is your relative or (2) you and the lobbyist are part of the same domestic unit.

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² See 1999 Wis Eth Bd 10, 1999 Wis Eth Bd 9; 1999 Wis Eth Bd 4, ¶8; 1997 Wis Eth Bd 20, ¶4; 1996 Wis Eth Bd 7, ¶4, n.24; 1992 Wis Eth Bd 5, ¶4.

The lobbying law's prohibition applies whether or not an official furnishes items or services of equivalent value to a lobbyist in exchange for the lobbyist's furnishing of money to an official. 80 Op. Atty. Gen. 205 (1992) (§13.625 does not allow fair value compensation of services by a principal to an official covered by the lobbying law); 77 Op. Atty. Gen. 160 (1988); 1999 Wis Eth Bd 6, ¶3; 1999 Wis Eth Bd 4, ¶7.

³ The lobbying law prohibits a state official to enter into a business venture with a lobbyist. 1991 Wis Eth Bd 3, ¶5. Under the Ethics Code, "anything of value" includes entrance into a partnership or the matching of venture capital. 5 Op. Eth Bd 88 (1982); 4 Op. Eth. Bd. 74 (1980).

⁴ A "relative" means "a parent, grandparent, child, grandchild, brother, sister, parent-in-law, grandparent-in-law, brother-in-law, sister-in-law, uncle, aunt, nephew, niece, spouse, fiancé or fiancée." §13.62 (12g), *Wisconsin Statutes*.

⁵ We note that this same concept exists in federal income tax law, which recognizes that if two or more families occupy living quarters in common, each of the families is treated as constituting a separate household. 26 C.F.R. §1.44A-1(d)(2).