
2006 Wis Eth Bd 08
LOBBYING

The Ethics Board advises:

- 1) That the lobbying law does not prohibit an elected state official's acceptance of a salary as president of a union paid to the official by a business on the union's behalf, even if the business employs a lobbyist;
- 2) That the lobbying law does not prohibit the business to pay an official's salary related to the official's union duties; and
- 3) That the business may not pay the official, and the official may not accept, a salary for work performed for the business while the business employs a lobbyist in Wisconsin.

Facts

- ¶1 This opinion is based upon these understandings:
- a. You are a member of the Legislature.
 - b. You are an employee of a business and the elected president of a union.
 - c. The business employs a lobbyist in Wisconsin.
 - d. The union does not employ a lobbyist.
 - e. Pursuant to the union's contract with the business, the business pays your compensation for the performance of your union duties as union president.

Questions

- ¶2 The Ethics Board understands your questions to be:
1. May you accept compensation from the business for the performance of your union duties?
 2. May you accept compensation from the business for the performance of your job for that company?

Discussion

¶3 Wisconsin's lobbying law, §13.625, *Wisconsin Statutes*, forbids a business that employs a lobbyist to provide anything of pecuniary value to a state legislator.¹ It is equally unlawful for a legislator to accept anything of pecuniary value from a business that employs a lobbyist.² Both the Attorney General and the Ethics Board have consistently held that the lobbying law's prohibition includes an elected state official's receiving a salary or other remuneration from a business that employs a lobbyist.³ The question is which is furnishing you a salary – the union or the business.

¶4 It is the union's membership that has selected you as its president and the work you perform is on the union's behalf. You are not performing work for the business when you act in your capacity as union president. The business' payment of your salary is a contractual obligation it has with the union to pay you on the union's behalf. The business has no role in your selection as union president and provides no direction to you in your union work. In the circumstances you have described, it appears that your salary is more accurately characterized as being furnished to you by the union, with the business paying the salary on the union's behalf pursuant to the union's contract with the company.

Advice

¶5 The Ethics Board advises:

- 1) That the lobbying law does not prohibit your acceptance of a salary as president of a union paid to you by a business on the union's behalf;
- 2) That the lobbying law does not prohibit the business to pay you your salary related to your union duties; and

¹ Section 13.625 (1) (b) and (2), *Wisconsin Statutes*, in relevant part, provides:

13.625 Prohibited practices. (1) No lobbyist may:

(b) Furnish to any . . . elective state official . . . :

1. Lodging.
2. Transportation.
3. Food, meals, beverages, money or any other thing of pecuniary value.

(2) No principal may engage in the practices prohibited under sub. (1) (b).

² Section 13.625 (3), *Wisconsin Statutes*, in relevant part, provides:

13.625 (3) No . . . elective state official . . . may solicit or accept anything of pecuniary value from a lobbyist or principal.

³ 80 Op. Att'y Gen. 205 (1992); 2000 Wis Eth Bd 03, ¶3; 1999 Wis Eth Bd 4, ¶7; 1992 Wis Eth Bd 26, ¶3; 1992 Wis Eth Bd 3, ¶3.

- 3) That the business may not pay you, and you may not accept, a salary for work performed for the business while the business employs a lobbyist in Wisconsin.

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