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**1991 Wis Eth 4**  
**LOBBYISTS AND LOBBYING**

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A judge may not accept an honorarium from a principal for presenting a talk but may accept reimbursement of expenses. Eth. Bd. 635

February 21, 1991

Facts

[1] This opinion is based upon these understandings:

- a. You are a judge which is an elective state office under §5.02(23), *Wisconsin Statutes*.
- b. You presented a talk at the annual meeting of an organization.
- c. You were and are a member of the organization.
- d. The organization was and is a principal under the lobby law.
- e. You were given a check for \$250, labeled an honorarium, in lieu of reimbursement of your expenses for your presentation.
- f. You used your office's word processor and copy machine to help in your preparation for your talk, but did not otherwise use state time, facilities, services, or supplies in your preparation.

Question

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

May you retain any or all of the \$250 sent to you by the organization?

Discussion

[3] Wisconsin's lobbying law prohibited you from accepting anything other than reimbursement of expenses for your presentation of a talk to an organization that employs a lobbyist.<sup>1</sup> Elected officials may retain honoraria for presenting a talk from organizations that do not employ a lobbyist if they do not use the state's time, facilities, services or supplies in connection with the presentation.<sup>2</sup> In those instances in which your presentation of a talk is so

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<sup>1</sup> See Section 13.625, *Wisconsin Statutes*.

<sup>2</sup> Section 19.56(3)(b), *Wisconsin Statutes*, provides:

closely allied to your state office that you may and do appropriately rely upon state resources to prepare and present the talk, you may not retain for yourself compensation beyond payment or reimbursement of expenses. The Statutes indicate that any balance is to be paid to the Director of State Courts.<sup>3</sup>

### Advice

[4] The Statutes direct that you deposit with the Director of State Courts the honorarium sent you by a lobbying organization for a talk except that portion representing reimbursement of your actual expenses.

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**19.56(3)(b)** A state public official may receive and retain anything of value if the activity or occasion for which it is given is unrelated to the official's use of the state's time, facilities, services or supplies not generally available to all citizens of this state and the official can show by clear and convincing evidence that the payment or reimbursement was unrelated to and did not arise from the recipient's holding or having held a public office and was paid for a purpose unrelated to the purposes specified in sub. (1).

<sup>3</sup> Section 19.56(4), *Wisconsin Statutes*, provides:

**19.56(4)** If a state public official receives a payment not authorized by this subchapter, in cash or otherwise, for a published work or a talk or meeting, the official may not retain it. If practicable, the official shall deposit it with the department or municipality with which he or she is associated or, in the case of a justice or judge of a court of record, with the director of state courts. If that is not practicable, the official shall return it or its equivalent to the payor or convey it to the state or to a charitable organization other than one with which he or she is associated.