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**1998 Wis Eth Bd 11**  
**LOBBYING**

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The Ethics Board advises that an agency official not, while the individual continues to serve, enter into an agreement for employment with a lobbyist or with an organization that employs a lobbyist. An official may, however, short of receiving or accepting a promise of future employment, explore possibilities for and circumstances of future employment or business relationships.

Facts

- ¶1. This opinion is based upon these understandings:
- a. You are an agency official subject to the lobbying law and a state public official subject to the Ethics Code.
  - b. You are seeking to leave state government and have announced that fact.
  - c. You are discussing possible employment opportunities with a lobbyist as well as with a business that employs a lobbyist.
  - d. Neither the business with which you are talking nor the clients the lobbyist represents are regulated by your agency.

Question

- ¶2. The Ethics Board understands your question to be:

What restrictions do laws administered by the Ethics Board impose on your discussions?

Discussion

- ¶3. It is imperative that you not, while you continue to serve as a state agency official, enter into an agreement for employment with a lobbyist or with an organization that employs a lobbyist.\* You may, however, short of

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\* Wisconsin's lobbying law, §13.625(3), *Wisconsin Statutes*, provides that you may not solicit or accept anything of pecuniary value from a lobbyist or from a business or organization that

receiving or accepting a promise of future employment, explore possibilities for and circumstances of future employment or business relationships.

¶4. Now that you have announced your resignation, the Board urges you to set a specific date of resignation that, while permitting an orderly transfer of duties, will nonetheless free you from your government position as quickly as feasible so that you may identify and arrange for your new private business venture without restraint from Wisconsin's lobbying laws. Of course, it should be apparent that your new business arrangements are not a reward for a specific action or set of actions you took as a state official.

¶5. While you continue as a state public official you should not enter into a transaction whereby you and a lobbyist would jointly contribute to the purchase of a business or of assets, tangible or intangible. A lobbyist may not furnish anything of pecuniary value to an agency official including the contribution of capital to a joint venture or partnership with an agency official.

¶6. Once you have left your position you will no longer be a state official to whom Wisconsin's Code of Ethics for Public Officials and Employees applies (assuming you do not retain other state public offices). Statutes administered by the Board will not be an obstacle to your lobbying Wisconsin's legislators and officials on behalf of a client. Finally, you should bear in mind the restraints upon your representing a private party for pay [a] before agencies with which you were associated during the 12 months prior to your leaving your government positions, [b] in matters for which you were responsible during the 12 months prior to your leaving your government positions, and [c] in matters in which you were personally and substantially involved.

#### Advice

¶7. The Ethics Board advises that you not, while you continue to serve as a state agency official, enter into an agreement for employment with a lobbyist or with an organization that employs a lobbyist. You may, however, short of receiving or accepting a promise of future employment, explore possibilities for and circumstances of future employment or business relationships.

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employs a lobbyist. A binding offer of employment has pecuniary value. *Cf.* §19.42(1), *Wisconsin Statutes*, which defines "anything of value" under the Ethics Code to include a "promise of future employment."