January through December 1992

Complaints and Investigations under Wisconsin's Ethics Code and Lobbying Law

The Ethics Board may investigate possible violations of the Ethics Code and lobbying law whenever circumstances warrant and may file complaints alleging violations whenever it concludes there is probable cause to do so.

During the period January through December 1992, the Board investigated the following matters pertaining to possible violations of the statutorily prescribed standards of conduct for state officials, lobbyists, and principals.

OFFICIAL'S USE OF POSITION FOR PRIVATE BENEFIT. In response to an anonymous complaint, the Board investigated whether an official of a state agency had used his position for the benefit of a private organization to which he provided consulting services. The Board found that the official received no compensation for his consulting services, that the organization had no dealings with the official's agency, and that the allegation was unsubstantiated. [92-SC-01].

OFFICIAL'S PRIVATE INTEREST IN OFFICIAL ACTION. In response to an anonymous complaint, the Board investigated an allegation that a public official used his position to oppose the furnishing of a loan to a business that would enable it to undertake a project in which the official had a competing interest. The Board found that the allegation was unsubstantiated in that the official had no financial interest in the business competing for the project. [92-SC-02].

USE OF STATE RESOURCES FOR PRIVATE BENEFIT. Acting on information provided by a state employee, the Board investigated to determine whether a public official was using state resources to assist in the creation of a private organization in which he had a private interest. The Board found that providing assistance in such circumstances to private organizations was an official, approved function of the official's agency and that the official had no financial interest in the organization that was being assisted. [92-SC-04]

OFFICIALS' RECEIPT OF TICKETS. In response to information received, the Ethics Board investigated whether members of the State Fair Park Board used their public position to gain free tickets for themselves and their families. The Ethics Board decided not to pursue an investigation into past practices because the board adopted a new policy clarifying that tickets can only be used for a public benefit and that it is generally contrary to board policy to provide complimentary tickets to members of the board, their families or business associates. [92-SC-05].

LEGISLATORS' RECEIPT OF SERVICES FROM LOBBYING ORGANIZATION. In response to a verified complaint filed by Common Cause of Wisconsin, the Board investigated whether a lobbying organization furnished anything of pecuniary value to certain state legislators. The legislators were plaintiffs in a lawsuit to reapportion state legislative districts and the

organization paid some of the costs associated with the litigation. The Board concluded there was no probable cause to believe a violation had occurred because none of the individual legislators were personally liable for any of the fees or expenses related to the litigation. [92-SC-06]

OFFICIAL'S RECEIPT OF PAYMENTS FROM A LOBBYIST. In response to allegations in newspaper articles, the Ethics Board investigated whether a member of a state board violated the law by providing paid professional services to a lobbyist whose activities included appearances on issues before the board. The Board took no further action because the three year statute of limitations had expired. [92-SC-07]

USE OF PUBLIC OFFICE FOR PRIVATE GAIN. In response to a complaint, the Ethics Board investigated whether a member of an examining board violated the Ethics Code by using his position to influence the board's prosecution of a competitor whose professional practice was regulated by that board. The Ethics Board concluded that there was no probable cause to believe the official violated the Ethics Code because there was no evidence that he attempted to persuade other members of the board, the department or its investigator to prosecute the individual in question, and the official withdrew from the board's vote relating to the individual's conduct. [92-SC-08]

CANDIDATE'S FAILURE TO REPORT ECONOMIC INTERESTS. The Ethics Board investigated whether an individual who was a candidate for the Assembly in 1990 and 1992, failed to report in his Statement of Economic Interests the receipt of payments from an organization for whom the candidate provided services. In a settlement with the Board, the candidate acknowledged his violation of §19.43 and §19.44, the reporting requirement of the Ethics Code. [In the matter of William Berger, 92-SC-09]

PUBLIC OFFICIAL PAYS FORFEITURE. The Ethics Board investigated whether a former public official violated the Ethics Code in connection with the hiring and continued employment of two individuals. In a settlement agreement, the official acknowledged using his public position to obtain a dishonest advantage for two employees, namely permitting the employees to continue employment despite continuing and substantial absences from work, and agreed to pay a civil forfeiture of $5,000. [In the matter of Robert D. Haase, 92-SC-10]

During this period, the Ethics Board initiated 3 investigations pertaining to the filing of late or incomplete Statements of Economic Interest. In two instances, the investigations were concluded when the officials filed a Statement and paid a forfeiture for lateness. In the third instance, the investigation was concluded when the filer amended his Statement to make it complete.