

DISQUALIFICATION

The Ethics Code does not bar a state public official's participation in a program administered by a state agency of which he or she is a member of the policy making board provided (1) the official neither seeks nor receives any consideration with regard thereto that the official would not receive were he or she not a state public official and (2) the official does not act officially with respect to a matter in which he or she has a personal interest except to the extent that the official's personal interest in the matter is insignificant when compared with the interests of others in the same matter. Eth. Bd. 228

4 June 1981

Facts

This opinion is based upon our understanding that you are a member of the policy making body of a department of state government. Membership on the board is a state public office.

Question

What obstacle, if any, does Wisconsin's Code of Ethics for Public Officials and Employees pose to your securing a private benefit for yourself by participating in a program administered by the department with which you are associated as a state public official?

Discussion

Although the Ethics Code forbids a state public official to use his or her public position to obtain anything of value for himself or herself, the Ethics Code also recognizes that citizens who serve as state public officials retain their rights as citizens to interests of a personal or economic nature, that standards of ethical conduct for state public officials need to distinguish between those minor and inconsequential conflicts that are unavoidable in a free society and those conflicts which are substantial and material, and that state public officials may engage in business activities that do not conflict with specific provisions of the Ethics Code.¹

The Code's specific provisions forbid you to use your public position to obtain anything of value for the private benefit of yourself, your immediate family, or for any organization with which you are associated.² As long as you do not attempt to

¹ Sec. 19.45(1), *Wisconsin Statutes*.

² Sec. 19.45(2), *Wisconsin Statutes*, provides:

19.45(2) No state public official may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family, or for an organization with which he or she is associated.

rely on your public position to secure a personal advantage, the Ethics Code will not pose an obstacle to your participating in a program administered by your department.

Advice

The State of Wisconsin Ethics Board advises you that the Ethics Code does not bar your participation in a program administered by your department provided (1) you neither seek nor receive any consideration with regard thereto that you would not receive were you not a state public official and (2) you do not act officially with respect to a matter in which you have a personal interest except to the extent that your personal interest in the matter is insignificant when compared with the interests of others in the same matter.