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**2008 GAB 05**  
FEES AND HONORARIUMS, LOBBYING & LOBBYISTS

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The Government Accountability Board advises that a judge may not accept, for participating in a program, an award that is a glass plate on an inscribed base, valued at \$400, which is furnished by an organization that is a lobbying principal. An appropriate disposition of the award would be donating it to the court system, through the director of state courts.

Facts

¶1 You are a judge. An organization that is a lobbying principal has given you an award for your years of service in a program connected to your position. The award is a glass plate on a base inscribed to you. You estimate the cost of the award to be approximately \$400.

Question

¶2 You ask whether you may retain the award and, if not, whether you may donate it to the court system or the executive residence.

Discussion

¶3 You are a state public official subject to the Ethics Code. Under the Ethics Code, you may accept reimbursement or payment of actual and reasonable expenses as well as reasonable compensation in connection with the presentation of a talk or participation in a meeting related to discussing and interpreting judicial processes and proposals and issues initiated by or affecting the judicial branch.<sup>1</sup> We think your participation in the program in which you have participated fits within this provision and that the award is reasonable compensation for the effort you have put into the program.

¶4 However, the organization that has given you the award is a registered lobbying principal. Hence, both the Ethics Code and Wisconsin's lobbying law apply to your question. The lobbying law, §13.625, *Wisconsin Statutes*, reduced to its elements, provides that:

No lobbying principal  
may furnish

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<sup>1</sup> Section 19.56 (3) (a), *Wisconsin Statutes*, provides:

**19.56 (3)** Notwithstanding s. 19.45:

(a) A state public official may receive and retain reimbursement or payment of actual and reasonable expenses and an elected official may retain reasonable compensation, for a published work or for the presentation of a talk or participation in a meeting related to a topic specified in sub. (1) if the payment or reimbursement is paid or arranged by the organizer of the event or the publisher of the work.

(Emphasis added).

anything of pecuniary value  
to a state elective official  
and no elective state official  
may accept anything of pecuniary value  
from a lobbying principal.<sup>2</sup>

¶5 An exception to the lobbying law permits you to accept from a lobbying principal reimbursement of your expenses for presenting a talk or participating in a meeting about state governmental issues. But, unlike the Ethics Code, the lobbying law makes no exception for an official's accepting compensation or anything else of pecuniary value from a principal in connection with a talk or meeting.<sup>3</sup>

¶6 The question then is whether the award has "pecuniary value." Pecuniary value signifies monetary value.<sup>4</sup> Award plaques consisting of unexceptional materials, once inscribed, generally have no monetary value. But a glass plate, whose original cost is \$400, is likely to have monetary value even if it rests on an inscribed base.

¶7 Section 19.56 (4), *Wisconsin Statutes*, provides that if a judicial official receives a payment not authorized for a talk or meeting, the official should deposit it with the director of state courts.<sup>5</sup>

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<sup>2</sup> Section 13.625, *Wisconsin Statutes*, provides, in relevant part:

**13.625 Prohibited practices. (1)** No lobbyist may:

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(b) Furnish to any agency official or legislative employee of the state or to any elective state official or candidate for an elective state office, or to the official's, employee's or candidate's personal campaign committee:

1. Lodging.

2. Transportation.

3. Food, meals, beverages, money or any other thing of pecuniary value, except that a lobbyist may make a campaign contribution to a partisan elective state official or candidate for national, state or local office or to the official's or candidate's personal campaign committee; but a lobbyist may make a contribution to which par. (c) applies only as authorized in par. (c).

\* \* \*

**(2)** No principal may engage in the practices prohibited under sub. (1) (b) and (c). This subsection does not apply to the furnishing of transportation, lodging, food, meals, beverages or any other thing of pecuniary value which is also made available to the general public.

**(3)** No candidate for an elective state office, elective state official, agency official or legislative employee of the state may solicit or accept anything of pecuniary value from a lobbyist or principal, except as permitted under subs. (1) (b) 3. and (c), (2), (4), (5), (6), (7), (8) and (9). No personal campaign committee of a candidate for state office may accept anything of pecuniary value from a lobbyist or principal, except as permitted for such a candidate under subs. (1) (b) 3. and (c), (2) and (6).

<sup>3</sup> Section 13.625 (7), *Wisconsin Statutes*, provides:

**13.625 (7)** This section does not apply to the furnishing or receipt of a reimbursement or payment for actual and reasonable expenses authorized under s. 19.56 for the activities listed in that section.

<sup>4</sup> 1997 Wis Eth Bd 13, ¶9; *The American Heritage Dictionary* (1991) ("consisting of or pertaining to money"); *Webster's Ninth New Collegiate Dictionary* (1983) ("consisting of or measured in money").

<sup>5</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.

Advice

¶8 The Government Accountability Board advises that you not accept the award furnished to you by the organization. An appropriate disposition of the award would be donating it to the court system, through the director of state courts.

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