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**1992 Wis Eth Bd 18**  
LEGISLATORS;  
OFFICERS, DIRECTORS AND MEMBERS OF ORGANIZATIONS

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Statutes administered by the Ethics Board do not restrict a legislator's service as a member of a corporation's board of directors, even for pay, as long as the legislator is asked to serve for reasons independent of and unrelated to holding state office. If the legislator is asked to serve because of membership in the legislature, or if the corporation should employ a lobbyist at any time, then the legislator may continue to serve but may not accept any fees or compensation for the service. OEB 92-18

April 28, 1992

Facts

- [1] This opinion is based upon these understandings:
- a. You are a member of the legislature and a state public official.
  - b. You have been asked by a Wisconsin corporation to serve on its board of directors.
  - c. The corporation does not employ a lobbyist and is not a lobbying principal.

Questions

- [2] The Ethics Board understands your questions to be:
1. Under laws administered by the Ethics Board, are there any restrictions to your serving on the board of directors of a corporation?
  2. Under laws administered by the Ethics Board, would there be any restrictions to your serving on a board of directors of a corporation if that corporation employed a lobbyist in the future?

Discussion and Advice

[3] The provision of the Ethics Code that appears most pertinent to your questions is § 19.45(2), *Wisconsin Statutes*. That section prohibits a state public official from using public office to obtain financial gain or anything of

substantial value for private benefit.<sup>1</sup> This includes a prohibition on the use of the prestige of office.<sup>2</sup> There are no restrictions on your serving as a member of a corporation's board of directors, even for pay, as long as your being asked to serve arises for reasons independent of and unrelated to your holding state office. If you are being asked to serve because of your membership in the legislature, or if the corporation should employ a lobbyist at any time, then you may continue to serve but you may not accept any fees or compensation for your service.<sup>3</sup>

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<sup>1</sup> §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. This subsection does not prohibit a state public official from using the title or prestige of his or her office to obtain contributions permitted and reported as required by ch. 11.

<sup>2</sup> 9 Op. Eth. Bd. 45, 46 (1987), 21, 22 (1986); 8 Op. Eth. Bd. 61 (1985); 7 Op. Eth. Bd. 22 (1983).

<sup>3</sup> The lobbying law, §13.625, *Wisconsin Statutes*, provides that no state elected official may accept anything of pecuniary value from a principal except in specific circumstances not here pertinent.