

---

**1998 Wis Eth Bd 7**  
**LOBBYING AND LOBBYISTS**

---

The Ethics Board advises that a lobbying principal not give or sell its sports stadium luxury box tickets to an elective state official, candidate for elective state office, state agency official, or legislative employee.

Facts

- ¶ 1 This opinion is based upon these understandings:
- a. You write on behalf of a registered lobbying principal in Wisconsin.
  - b. The principal owns a luxury box at a Wisconsin sports stadium.

Question

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

Under what circumstances, if any, may a principal furnish a ticket for a seat in a luxury box at a sports stadium to a legislator?

Discussion

- ¶ 3 Wisconsin's lobbying law, §13.625, *Wisconsin Statutes*, is pertinent to your question. That section, reduced to its elements, provides, with limited exceptions:

No principal  
May furnish  
Anything of pecuniary value  
To an elective state official.<sup>1</sup>

---

<sup>1</sup> Section 13.625, *Wisconsin Statutes*, in relevant part, provides:

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

\* \* \*

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

¶ 4 The owner of the luxury box is a registered lobbying principal. Tickets to a sporting event for which there is a price for admission have pecuniary value.<sup>2</sup> A legislator is an elective state official. Whether a legislator pays the cost of the ticket, or the cost of the ticket plus a prorated portion of the cost of the luxury box in which the seat is located, is of no consequence. The Attorney General has spoken to this issue and his response is unequivocal.

[There] is persuasive evidence that the Legislature wanted to prohibit the furnishing of a thing of pecuniary value even if something of pecuniary value was furnished in return.

\* \* \*

As you note in your request, if the statute were interpreted as permitting the acceptance of items in exchange for fair value, the Ethics Board would need to determine the fair market value of goods or services exchanged. . . . The potential for abuse inherent in that interpretation is obviated by giving the statute its common and ordinary interpretation. I conclude, therefore, that the prohibition on furnishing things of pecuniary value also prohibits the sale of such things to or purchase of such things from state officials.

80 Op. Att’y Gen. 205 (1992).<sup>3</sup>

¶ 5 We are aware of no circumstances suggesting that any exceptions to the general prohibition apply.<sup>4</sup>

---

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.

<sup>2</sup> “Pecuniary value” means “consisting of or pertaining to money” or “requiring the payment of money.” 1997 Wis Eth Bd 13, ¶9.

<sup>3</sup> See also 1996 Wis Eth Bd 8, ¶5

<sup>4</sup> Section 13.625(2), *Wisconsin Statutes*, does not apply to items that a principal makes available to the general public. There is no indication that luxury box tickets are available to the general public on the same terms as the principal proposes to make them available to legislators. See 1997 Wis Eth Bd 13, ¶11.

Advice

¶ 6 The Ethics Board advises that a lobbying principal not give or sell its sports stadium luxury box tickets to an elective state official, candidate for elective state office, state agency official, or legislative employee.

WR 1013