

Wisconsin Ethics Commission

For State Public Officials

Expenses and Compensation for Published Works, Presentation of Talks, or Participation in Meetings

Wisconsin Statutes encourage every state public official to meet with clubs, conventions, special interest groups, political groups, school groups, and other gatherings to discuss and to interpret:

1. Legislative, administrative, executive, or judicial processes and proposals, and
2. Issues initiated by or affecting a department¹ or the judicial branch.²

EXPENSES

A state public official may receive and retain reimbursement or payment of **actual and reasonable** expenses that are paid or arranged by the event's organizer for a published work or for the presentation of a talk or participation in a meeting about these processes, proposals, and issues.³

COMPENSATION

Compensation refers not only to cash but also to other things of value the official may receive for a published work, presentation of a talk, or participation in a meeting.

ELECTED OFFICIALS: An elected official may retain **reasonable** compensation that is paid or arranged by the event's organizer for a published work or for the presentation of a talk or participation in a meeting about these processes, proposals, and issues if:

1. The elected official does not rely upon the state's time, facilities, services, or supplies not generally available to everyone.⁴
2. The payment is provided neither by a lobbyist nor by a business, or organization, or local government that employs a lobbyist.⁵

The reasonableness of the compensation is determined by the totality of the circumstances. Factors the Commission may consider in assessing the reasonableness of the compensation include: the payer's relationship to the official's public position; the amount of preparation required for the presentation; the compensation the sponsoring organization provided to other participants who were not state officials; the relative importance of the presentation; and the official's history of commanding speaking fees prior to taking public office.⁶

¹ "Department" means the legislature, the University of Wisconsin system, any authority or public corporation created and regulated by an act of the legislature and any office, department, independent agency or legislative service agency created under ch. 13, 14, or 15, any technical college district or any constitutional office other than a judicial office. [WIS. STAT. § 19.42\(5\)](#)

² [WIS. STAT. § 19.56\(1\)](#)

³ WIS. STAT. §§ [13.625\(7\)](#), [19.56 \(3\)\(a\)](#)

⁴ [1996 Wis Eth Bd 04](#)

⁵ WIS. STAT. § [13.625\(1\)](#) and [\(2\)](#)

⁶ [2005 Wis Eth Bd 09](#), ¶ 4.

STATE PUBLIC OFFICIALS: A state public official, who is not an elected official, may not retain compensation. A state public official, who is not an elected official, may only retain payment for, or reimbursement of, actual and reasonable expenses.⁷

REPORTING

Every official required to file a Statement of Economic Interests (SEI)⁸ who receives anything with a combined value exceeding \$50 (excluding the value of food or beverage offered coincidentally with a talk or meeting) for a published work or for the presentation of a talk or participation in a meeting, must identify the payor, the circumstances for which the payment was made, and the approximate value on his or her annual Statement of Economic Interests.⁹

However, an official required to file an SEI is not required to report receipt of expenses or compensation if:

1. The official returns what was provided to the payor within 30 days of receipt;
2. The payor is identified on the official's SEI as a source of income;
3. The official can show by clear and convincing evidence that it was unrelated to and did not arise from the official's holding or having held a public office and was made for a purpose unrelated to the processes, proposals, or issues described above;
4. The official has previously reported the expenses or compensation to the Commission as a matter of public record;
5. The expenses or compensation are paid by the official's department;
6. The expenses or compensation are made available to the official by WEDC or the Department of Tourism.¹⁰

DISPOSING OF PAYMENTS

If a state public official receives a payment, in cash or otherwise, that the official may not keep, the official should deposit it with the official's department, or, in the case of a justice or judge, to the director of state courts. If this is not practical, the official shall:

- Return the item or its equivalent to the payor;
- Turn the item over to the official's agency (if the item is one the agency can use or sell);
- Turn the item over to another state agency or public institution (e.g., a school, library, or museum) that can use the item;
- Give it to a charitable organization with which the official is not associated.¹¹

See Guideline [ETH-1235](#) for more information on the disposition and reporting of gifts.

⁷ [WIS. STAT. § 19.56\(3\)\(a\)](#)

⁸ [WIS. STAT. § 19.42\(10\)](#)

⁹ [WIS. STAT. § 19.56\(2\)\(a\)](#)

¹⁰ [WIS. STAT. § 19.56\(2\)\(b\)](#)

¹¹ [WIS. STAT. § 19.56\(4\)](#)