

Eth 1 to 6

Filed May 14, 1976
10:10 am O. L. Johnson

STATE OF WISCONSIN

ETHICS BOARD

I, R. Roth Judd, Executive Director of the State of Wisconsin Ethics Board, and legal custodian of the files and records of the Ethics Board, certify that the attached is a copy of the rules which were adopted by the Ethics Board on May 13, 1976.

I further certify that I have compared the copy of the rules with the originals and that it is a true and correct copy of said original rules.

IN TESTIMONY WHEREOF, I have
hereunto set my hand on this
13th day of May,
1976, in the City of Madison



R. Roth Judd
Executive Director

STATE OF WISCONSIN)
ETHICS BOARD)

ORDER OF THE
ETHICS BOARD

REPEALING AND RECREATING WISCONSIN ADMINISTRATIVE CODE CHAPTERS ETH 1-5
AND CREATING CHAPTER ETH 6

Pursuant to the authority vested in the State of Wisconsin Ethics Board by section 19.48(1) and Chapter 227, Wisconsin Statutes, the Ethics Board repeals and recreates Wisconsin Administrative Code Chapters Eth 1-5 and creates Chapter 6 as set forth in pages 2-19 of this order.

The Board also adopts at this time explanatory notes, as contained herein, to Wisconsin Administrative Code sections Eth 1.02, 1.03, 2.01-2.03, 3.12, 3.14, 3.18-3.21, and 6.03. These notes are adopted only to add to an understanding of the Board's rules and are not themselves rules.

The rules contained herein shall take effect as provided in section 227.026(1), Wisconsin Statutes.

This order is adopted by the Ethics Board
on this 13th day of May, 1976.

State of Wisconsin Ethics Board

by

/s/ Thomas S. Smith
Thomas S. Smith, Chairman

Chapter Eth 1

A U T H O R I T Y A N D D E F I N I T I O N S

Eth 1.01 Authority
Eth 1.02 Definitions

Eth 1.03 Definitions, state
public official

Eth 1.01 Authority. Rules adopted by the board are pursuant to section 19.48(1), Wis. Stats. and chapter 227, Wis. Stats., and such rules shall apply to all actions and proceedings of the board.

Eth 1.02 Definitions. When used in sections 19.41 to 19.50, Wis. Stats., and rules adopted by the board, unless the context otherwise requires, the following words and phrases have these meanings:

(1) "Associated", when used with reference to a business, means any business in which a person or a member of his immediate family is a director, officer, trustee or paid consultant, or owns or controls, directly or indirectly, and severally or in the aggregate, at least 10% of the outstanding equity, voting rights, or outstanding indebtedness of the business.

(2) "Code" means the code of ethics for public officials, sections 19.41 to 19.50, inclusive.

(3) "Compensation" includes fees or per diems but does not include reimbursement for actual and necessary expenses.

(4) "Fee or honorarium" means compensation received in cash or in kind for participating in a meeting or speaking engagement less actual and necessary expenses incurred in connection with that participation and not reimbursed.

(5) "Legal dependent" means a person's relative by consanguinity, marriage or adoption who receives, directly or indirectly, more than one-half of his support from such person.

(6) "Teaching personnel of the university of Wisconsin system" are deans, principals, professors, instructors, research assistants, librarians and other teachers identified in section 20.923(6)(m), Wis. Stats.

NOTE: Section Eth 1.02(1), definition of "associated", interprets that term as it appears in section 19.45(2): "No state public official may use his public position or office to obtain financial gain . . . for any business in which he is associated."

"Compensation" is defined to reflect the Board's determination (5/23/75) that section 19.43(4) (No person required to file a statement of economic interests . . . may . . . receive his salary or compensation until he files such statement of economic interests) does not prohibit the reimbursement of expenses to a person who has failed to file his Statement of Economic Interests as required.

Eth 1.03 Definition; state public official. When one person holds two government positions and section 19.42(8), Wis. Stats., identifies the holder of one of the positions as a state public official and specifically exempts from the definition the holder of the other position, the person is a state public official when acting in his covered capacity and is not a state public official when acting in his exempted capacity.

NOTE: Section 19.42(8), Wis. Stats., identifies the holders of certain positions as "state public officials" and specifically exempts from the meaning of "state public official" the holders of certain other positions. The Attorney General has advised the Ethics Board (OAG 51-75, 12 November 1975) that when one person holds two offices -- one falling within the definition of "state public official" and the other specifically exempted from the definition of "state public official" -- the person is a "state public official" when acting in his official capacity as the holder of the position identified as a "state public office". This rule sets forth that interpretation.

Chapter Eth 2

STATEMENT OF ECONOMIC INTERESTS

- Eth 2.01 Annual filing by state public officials
- Eth 2.02 Initial statement of economic interests
- Eth 2.03 Filing by nominees and candidates for state public office
- Eth 2.035 Current information
- Eth 2.04 Determination of significant fiduciary relationship
- Eth 2.05 Trusts
- Eth 2.06 Qualified plan or trust
- Eth 2.07 Valuation
- Eth 2.08 Signing statement
- Eth 2.09 Failure to file a statement of economic interests as required by law

Eth 2.01 Annual filing by state public officials. Each person who on March 1 is a state public official shall complete and file a statement of economic interests with the board on or before April 30.

NOTE: This new rule interprets sections 19.43(1) (All state public officials shall file an initial statement of economic interests within a time period specified by the board.) and section 19.43(6) (Each person required to file a statement under sub. (1) shall file updated statements no later than April 30 of each year.).

Eth 2.02 Initial statement of economic interests. Each person appointed to a position identified in section 20.923 other than the positions of employe of the investment board or teaching personnel of the university of Wisconsin system or a position within the judicial branch of government shall file a statement of economic interests with the board within 21 days following the date he takes office unless he has filed a statement of economic interests with the board subsequent to the preceding March 1.

NOTE: Proposed section Eth 2.01 provides that each state public official shall file a Statement of Economic Interests between March 1 and April 30. Candidates for election to state public office will file within 21 days of becoming a candidate. A person nominated by the Governor for appointment to state public office will file within 21 days of his nomination. This rule establishes 21 days following appointment as the filing deadline for a person who becomes a state public official by reason of his appointment to a position identified in section 20.923, Wis. Stats., unless the appointee filed a Statement of Economic Interests since the most recent period for updating Statements of Economic Interests.

Eth 2.03 Filing by nominees and candidates for state public office.

(1) Candidates for election to state public office. A candidate for election to state public office shall file a statement of economic interests with the board and with the secretary of state within 21 days following the date he either:

(a) Files nomination papers and a declaration under section 8.10(5), 8.15(4)(b) or 8.20(6), Wis. Stats., or

(b) Having been nominated for such office in an election through the write-in process, files a declaration under section 8.10(5) or 8.15(4)(b).

(2) Nominees. A person shall file a statement of economic interests with the board and with the secretary of state within 21 days of the date the governor publicly announces his nomination for appointment to a position the appointment to which requires the senate's consent other than positions within the judicial branch of state government, or the positions of member of the investment board or trustee of any private higher educational institution receiving state appropriations.

NOTE: This section repeats the statutory requirement that candidates for state public office file Statements of Economic Interests within 21 days of their nomination and establishes the Governor's public announcement of nomination as the date of nomination.

Eth 2.035 Current information. Information required to be identified on a statement of economic interests shall be current within 60 days of the date the statement of economic interests must be filed.

Eth 2.04 Determination of significant fiduciary relationship. "Significant fiduciary relationship" includes:

(1) The ownership, whether of record or beneficial, or the control, whether direct or indirect, of:

(a) An interest having a value of \$5,000 or more in the capital and/or retained earnings and/or net profit or loss of any business; or

(b) An interest of 10% or greater in the capital and/or retained earnings and/or net profit or loss and/or voting rights of any business.

(2) Securities held in the name of a bank, broker-dealer, or nominee for the account of a person shall be regarded as owned by the person for whose benefit they are held. A person shall also be regarded as the owner of securities held in the name of another person or entity if by reason of any contract, understanding, relationship, including a family relationship or arrangement, such person obtains therefrom benefits substantially equivalent to those of ownership.

Eth 2.05 Trusts. (1) A person is deemed to be the owner of a trust estate if he is the creator of the trust and has the power to revoke the trust without obtaining the consent of all the trust's beneficiaries.

(2) A person is presumed to be the owner of a trust estate to the same degree that the present or future beneficial interest in the trust vested in him bears to the present or future beneficial interests in the trust vested in all the trust's beneficiaries.

(3) A trustee of a trust controls the trust estate if, as a matter of law or fact, he exercises dominating influence over the management of the trust estate.

Eth 2.06 Qualified plan or trust. Any interest in a state retirement fund or an employe trust, profit sharing, or pension plan which is a "qualified" trust or plan for purposes of the internal revenue code shall not be required to be disclosed under section 19.44(1), Wis. Stats.

Eth 2.07 Valuation. (1) For the purpose of determining whether economic interests are required to be disclosed under section 19.44(1)(a) and (b), Wis. Stats., the following methods of valuation shall be used:

(a) The value of securities listed on a stock exchange shall be the closing price on such exchange.

(b) The value of unlisted securities traded in the over-the-counter market shall be the average of the bid and asked price.

(c) The value of securities for which no market information is readily available shall be determined as follows:

1. Common stock or equivalent securities--book value (net worth divided by number of outstanding voting shares times the number of shares held).

2. Preferred stock--redemption price or par or stated value if not redeemable.

3. Debt securities--unpaid balance.

(d) The value of a sole proprietorship shall be its net worth as shown on the books of the business.

(e) The value of an interest in the capital of a partnership shall be the book value (net worth of the partnership times percentage of interest held). If the interest is only in "net profit or loss" of a partnership, identify the partnership and indicate that the interest is only in "net profit or loss".

Eth 2.08 Signing statement. Each person required to file a statement of economic interests shall sign such statement indicating the truth of the information contained therein. If such statement is prepared by a person other than the person required to file a statement of economic interests, such person shall also sign the statement and provide his address.

Eth 2.09 Failure to file a statement of economic interests as required by law. If a person fails to file a statement of economic interests by the deadline established for filing, or if a person fails to disclose economic interests required to be disclosed, the board shall issue a notice to such person. The notice shall be sent by certified mail and shall provide:

(1) A specific indication of the nature of such person's failure to file a statement of economic interests as required by law.

(2) A date by which such person shall file a statement of economic interests as required by law. The date set for filing the statement shall not be less than 10 days from the date the notice is issued.

(3) A statement which explains what action the board will take to enforce the financial disclosure provisions of the law.

Chapter Eth 3

P R A C T I C E A N D P R O C E D U R E

GENERAL

- Eth 3.01 Communications and documents addressed to board
- Eth 3.02 Computation of time
- Eth 3.03 Service of documents and filing of statements of economic interests

HEARINGS AND INVESTIGATIONS

- Eth 3.10 Formal investigations
- Eth 3.11 Conclusion of investigation and initiation of hearing
- Eth 3.12 Time and place of hearing
- Eth 3.13 Conduct of hearing
- Eth 3.14 Changes in time and place of hearing; continuances; adjournments
- Eth 3.15 Appearances
- Eth 3.16 Rules of evidence
- Eth 3.17 Examination of evidence by board
- Eth 3.18 Conclusion of hearing; determination
- Eth 3.19 Referral of complaints and determinations
- Eth 3.20 Witnesses; subpoenas; depositions
- Eth 3.21 Oath

REQUESTS FOR ADVICE

- Eth 3.30 Requests for written advice

GENERAL

Eth 3.01 Communications and documents addressed to board. (1) All written communications and documents intended for the board should be addressed to the State of Wisconsin, Ethics Board, 122 West Washington Avenue, Madison, Wisconsin 53703 and not to individual members of the board or its staff. All communications and documents delivered at the board's office are officially received.

Eth 3.02 Computation of time. (1) The time within which an act is to be done as provided in the rule or order promulgated by the board, expressed in days, shall be computed by excluding the first day and including the last, except that if the last day be Saturday, Sunday or a legal holiday, the act may be done on the next secular day.

(2) "Legal holiday" as used in this section means any statewide legal holiday provided in section 256.17, Wis. Stats. When an act is permitted to be done by the use of the postal service, and the last day within the time prescribed by a rule or order of the board for performing such act falls on a legal public holiday under federal law, or other holiday designated by the president such that the postal service does not receive registered mail or make regular deliveries on that day, the day shall be considered a legal holiday for purposes of this section.

Eth 3.03 Service of documents and filing of statements of economic interests. (1) Service of documents upon the board and upon other parties in the board's proceedings and the filing of statements of economic interests may be made by deposit in the first class mail in a properly addressed envelope with sufficient postage affixed or by delivery in person.

(2) The date of service or filing shall be the day when the matter served or filed is deposited in the mail or is delivered in person, as the case may be.

HEARINGS AND INVESTIGATIONS

Eth 3.10 Formal investigations. (1) Following the board's receipt of a formal complaint or the making of a complaint on its own motion, the executive director may initiate a formal investigation with respect to alleged violations of the code.

(2) During a formal investigation, the executive director or his designee may:

(a) Examine any public records;

(b) Question any public official about information that has come to him in the course of his official duties or by reason of his public position; and

(c) Question any person or review any documents or records pertaining to the activities being investigated.

(3) The executive director or his designee may not proceed under this section unless he has first notified in writing the person or organization the activities of which are the subject of the investigation of the exact nature and purpose of the investigation, the specific actions or activities to be investigated, a statement of such person's due process rights and a copy of section 19.48, Wis. Stats.

(4) The executive director shall obtain the board's approval of the investigation before expending funds from the appropriation under section 20.521(1)(b), Wis. Stats.

Eth 3.11 Conclusion of investigation and initiation of hearing. (1) At the conclusion of a formal investigation, the executive director shall provide the board with a written recommendation for further action.

(2) If, following such investigation and recommendation, the board determines that there is probable cause for believing that any person has violated the code in an instance other than specified in the original complaint:

(a) It shall, if no formal complaint has been filed alleging a violation or violations in the manner and by the person it has probable cause to believe has violated the code as determined by the investigation, on its own motion, file a verified complaint.

(b) It shall, if a formal complaint has been filed alleging a violation or violations in the manner and by the person it has probable cause to believe has violated the code, conduct a hearing on the matter not more than 30 days after such finding of probable cause and shall, in writing, give the respondent at least 20 days' notice of the time and place of the hearing.

Eth 3.12 Time and place of hearing. (1) A hearing on the matter shall not be held less than 20 days after the board's determination of probable cause unless the respondent petitions the board for an earlier date and the board grants the petition.

NOTE: Section 19.48(3)(c) requires the Board to give the accused as least 20 days' notice of the hearing date. Once the Board has given the accused the required notice, there is no prohibition to establishing an earlier hearing date if that is the accused's desire.

Eth 3.13 Conduct of hearing. (1) A hearing shall be conducted by one or more members of the board or by such other person as the board's chairman shall designate.

(2) The presiding officer shall open the hearing and ask that appearances be entered on the record.

(3) The presiding officer shall exclude from the hearing all persons not required to attend unless the respondent petitions for a public hearing.

(4) The presiding officer shall then make a concise statement of the scope and purposes of the hearing. Thereafter parties may make motions or opening statements.

(5) When opening statements are made they shall be confined to a brief summary, in clear and concise form, of the evidence to be offered and a statement of ultimate points relied upon. There shall be no argument on either the facts or legal theories.

(6) During the hearing the presiding officer may exclude witnesses until they are called to testify, may direct that persons who are expected to testify be kept separate until called and may prevent them from communicating with anyone until they have been examined.

(7) Parties may be off the record only when the presiding officer permits. If a discussion off the record is pertinent to the proceedings, the presiding officer will summarize it on the record.

(8) No smoking is permitted during a hearing. A ten-minute recess may be taken at approximately the end of each hour of proceeding.

Eth 3.14 Changes in time and place of hearing; continuances; adjournments.

(1) Changes in the time and place of the first session of a hearing in any proceeding may be granted only by the board's chairman, or presiding officer designated by the chairman, for good cause shown by a written request made to the board's chairman reasonably in advance of the time set, showing when and how copies of such requests were served upon each member of the board, the board's executive director, the complainant, and the respondent.

(2) After a hearing has commenced, continuances and adjournment may be ordered by the presiding officer.

NOTE: This section is created to clearly establish that after the commencement of a hearing the presiding officer may order a recess or adjournment.

After a hearing date has been established, it is unlikely that the Board will meet again prior to the hearing. Therefore, the power to change the time and place of the first session of a hearing is vested solely in the chairman. The person petitioning for a change of time or place for the first hearing session must notify other parties to the proceeding of his request so that they may have time to notify the chairman of their objections, if any, to the proposed modification.

Eth 3.15 Appearances. (1) Parties to a proceeding that is the subject of a hearing may be the board's designee and respondents.

(2) A person or organization, other than the board, who files a formal complaint is the complainant, a party complained against is a respondent.

(3) Employees of the board may appear neither in support for nor in opposition to any cause, but may appear for the sole purpose of discovering and, if necessary, presenting facts pertinent to the issues. The executive director shall notify the respondent of any exculpatory evidence of which he has knowledge.

Eth 3.16 Rules of evidence. Any party dissatisfied with a ruling by the presiding officer during a hearing may have such a ruling reviewed by the board by (i) noting an exception in the record, (ii) submitting to the board within 7 days of the date of mailing of the transcript containing such ruling a statement in writing showing the nature of the ruling and a brief summary of the reasons why such ruling is claimed to be erroneous, and (iii) simultaneously serving copies of such statement upon all parties to the proceeding. Other parties may reply thereto in writing within 7 days after such service. Failure of a party noting an exception in the record to perfect the exception as above provided shall constitute waiver of the noted exception. The board shall not rule upon exceptions to rulings of a presiding officer unless the foregoing requirements are met.

Eth 3.17 Examination of evidence by board. Whenever in a hearing it is impracticable for the members of the board who participate in the decision to hear or read all the evidence, the final decision shall not be made until a summary of the evidence prepared by the person conducting the hearing, together with his recommendations as to the findings of fact and the decision in the proceeding has been prepared and furnished to each party, and a reasonable opportunity has been afforded to each party to file written

exceptions to such summary and proposed findings and decision and to argue with respect to them orally and in writing before all the members who are to participate in the decision. The board's findings of fact may be made upon the basis of such summary and the filed exceptions thereto. Whenever the board's ultimate decision is contrary to the recommendations of the person conducting the hearing, the decision shall include a statement of facts and ultimate conclusions relied upon in rejecting the recommendations of the hearing officer. The parties may by written stipulation waive compliance with this section.

Eth 3.18 Conclusion of hearing; determination. (1) After the hearing, the board shall, in written findings of fact and conclusions based thereon, make a determination whether or not probable cause exists concerning any misconduct by the respondent constituting a violation of the code. The written determination shall be open to public inspection.

(2) If the board determines that no probable cause exists, it shall immediately send written notice of such determination to the respondent and to the complainant, if any.

(3) If the board determines that probable cause for misconduct exists:

(a) It shall refer the matter for appropriate prosecution to the district attorney in whose jurisdiction the alleged violation occurred and shall supply him with a written statement of its determination.

(b) It shall give written notice of its action to the respondent and shall notify the respondent that unless within 10 days he requests the board to withhold from the district attorney any information, records, documents, reports or transcripts that were placed before the board on behalf of the respondent or as part of his defense, the board will refer such documents to the district attorney.

NOTE: Section 19.48(1)(a) provides that: * * * "Except for the determination provided in sub. (6), all records, transcripts of any investigations or inquiries of the board under this section shall be confidential and shall not be open to public inspection by any person other than a member or employe of the board, or state employe designated to assist the board."

This rule clearly establishes that the Board's written finding of probable cause or lack thereof is open to public inspection.

Section 19.48(1)(b) provides: * * * "The accused state public official or state public employe cited by the declaration of probable cause may request the board to withhold any information, records, documents, reports and transcripts that were placed before the board on behalf of the accused or as a part of his defense. The board shall grant such a request."

This rule takes notice of this statutory provision and provides that the respondent waives this right if his request is not made within ten days of his notification of the Board's determination.

Eth 3.19 Referral of complaints and determinations. (1) Following its receipt or adoption, on its own motion, of a formal complaint alleging a violation of the code by a public official liable to impeachment the board shall refer the complaint to the assembly.

(2) If, after a hearing, the board determines that probable cause exists for believing that the respondent has violated the code, the board shall, in addition to the referral in section Eth 3.18(3)(a), submit its written findings of fact and conclusions based thereon and copies of any records, reports and transcripts in its possession, together with other relevant evidence:

(a) In the case of a legislator, to the appropriate house.

(b) In the case of a state public official or state public employe in the unclassified service in the executive branch of state government, to the appointing authority who may censure, suspend or remove him from office or employment.

(c) In the case of an employe in the unclassified service in the legislative branch of state government, to the appointing authority which may censure, suspend or remove him from office or employment.

(3) The referrals under par. (1) and (2) of this section shall be made no later than:

(a) Six months following the date of the receipt or adoption of the complaint if no action is taken on the complaint;

(b) Ten days following the board's determination under section 19.48(3)(c), Wis. Stats., or section 19.48(6), Wis. Stats., that there is not probable cause to believe that the respondent has violated the code;

(d) Ninety days after the board has notified the attorney general of a district attorney's failure to commence prosecution and the attorney general has taken no action on the complaint;

(d) Ten days after the expiration of the time in which a notice of appeal or motion for a new trial may be timely made if the matter has been the subject of a court proceeding and no appeal is taken or motion for a new trial made.

(e) Ten days after the entry of a nonappealable order or decision disposing of the matter.

NOTE: Sections 19.48(8) and (9) require the Board to refer certain complaints and determinations to other governmental bodies. This rule establishes times by which these referrals must be accomplished.

Eth 3.20 Witnesses; subpoenas; depositions. (1) Pursuant to chapter 885, Wis. Stats., subpoenas may be signed and issued by any member of the board. Witness fees and mileage of witnesses subpoenaed on behalf of the board shall be paid at the rate prescribed for witnesses in a circuit court upon filing with the board their affidavits of attendance and travel and shall be charged to the appropriation for investigations authorized by section 20.521(1)(b), Wis. Stats.

(2) The board's designee or the accused may, during an investigation or hearing, cause the depositions of witnesses residing within or without the state to be taken in the manner prescribed by law for the taking of depositions in civil actions in circuit court.

(3) Upon request, any member of the board will issue subpoenas to compel the attendance of necessary witnesses. A subpoena duces tecum will not be issued unless the person requesting such subpoena furnishes the board with the specific identity of the document to be produced by the subpoenaed witness.

NOTE: Section 19.48(4) provides: "The board shall have the same power to compel the attendance of witnesses and to issue subpoenas and summary process as is granted to legislative committees under ss. 13.31 and 13.32. Upon request of the accused, the board shall subpoena named individuals to appear as witnesses at the hearing, if such action is necessary to compel their attendance."

Section 13.31 provides, in part: "The attendance of witnesses before any committee of the legislature, or of either house thereof, appointed to investigate any subject matter, may be procured by subpoenas signed by the presiding officer and chief clerk of the senate or assembly."

Section 19.48(4) notwithstanding, section 885.01(4) provides that a subpoena may be issued by any board or by any member of a board authorized to take testimony.

This rule provides that the Board may issue subpoenas in accordance with that general authority to compel the attendance of witnesses under section 885.01.

Section 19.48(5) provides that "* * * Prior to any hearing . . ., the accused . . . shall be afforded full discovery rights, including adverse examination of witnesses who will testify at the hearing. * * *"

Although the law expressly grants discovery rights to the accused, it is silent with respect to the Board's investigatory powers. This rule interprets the law to mean that the Board's designee may also take the deposition of a potential witness.

Eth 3.21 Oath. Before testifying, every witness shall be required to declare that he will testify truthfully, by oath or affirmation administered by the presiding officer or any member of the board.

NOTE: This section repeats the statutory requirement that witnesses be under oath and establishes by whom the oath may be administered.

REQUESTS FOR ADVICE

Eth 3.30 Requests for written advice. In instances where delay is of substantial inconvenience or detriment to a party requesting the board's written advice regarding the propriety of any matter to which he is or may become a party, the board's executive director may, with the advice and consent of the chairman, or if the chairman is unavailable with the advice and consent of the vice chairman, or if the vice chairman is unavailable, with the advice and consent of the secretary or other member of the board, advise the state public official. Written advice prepared by the executive director pursuant to this rule shall have the full force and effect of written advice given by the board, except that at its next meeting, the board may rescind or modify that written advice.

Chapter Eth 4

F E E S A N D H O N O R A R I U M S

Eth 4.01 Reasonable fees and honorariums

Eth 4.01 Reasonable fees and honorariums. Nothing in subchapter III, chapter 19, Wis. Stats., shall prohibit a legislator's acceptance of a fee or honorarium having a value of not more than \$100 for participating in a public meeting or speaking engagement. Legislators who are offered fees and honorariums and persons and organizations contemplating offering to legislators fees or honorariums having a value in excess of \$100 for participating in a public meeting or speaking engagement are encouraged to seek the board's written advice concerning the reasonableness of such fee or honorarium.

Chapter Eth 5

F O R M S

Eth 5.01 Forms

Eth 5.01 Forms.

ETH 1 Statement of Economic Interests

All forms may be obtained at the office of the State of Wisconsin Ethics Board, 122 West Washington Avenue, Madison, Wisconsin 53703.

Chapter Eth 6

PUBLIC INSPECTION AND COPYING OF RECORDS

- Eth 6.01 Definition; record
- Eth 6.02 Access to records, generally
- Eth 6.03 Access to statements of economic interests
- Eth 6.04 Fees for copying records

Eth 6.01 Definition; record. As used in this chapter, "record" or "records" means all books, maps, photographs, films, recordings, computer tapes, computer programs, computer printouts, or other documentary materials or any copy thereof, regardless of physical form or characteristics which are in the lawful possession or control of the board, or to the possession or control of which the board is lawfully entitled.

Eth 6.02 Access to records, generally. (1) All records may be inspected or copied by any person during regular business hours unless:

- (a) The records are made confidential by statute, or
- (b) The public's interest in nondisclosure outweighs the benefits of disclosure and the records:
 1. Contain financial, medical, social or personal histories or disciplinary data that may unduly damage reputations;
 2. Concern employment, dismissal, promotion, demotion, compensation or discipline of any state official or employe or the investigation of charges against a state official or employe;
 3. Report communications between the board and its legal counsel concerning the legal rights and duties of the board if publication would adversely affect the board's position in an adversary or bargaining situation;
 4. Were obtained under a clear pledge of confidentiality, if the pledge was made in order to obtain the information;
 5. Concern the actions, deliberations, or discussion at a lawfully closed session of the board; or
 6. Identify people who have inspected records.

(2)(a) A person desiring to inspect any record must sign a statement setting forth his name and address and identifying the records he wishes to inspect.

(b) No employe of the board shall refuse to honor any request to inspect or copy records because the person making the request is unwilling to state a reason for making the request.

(c) Requests to inspect or copy records may be made to any employe of the board who shall locate the records requested and make copies thereof, if requested, as soon as practicable.

(3) Any employe of the board who denies any request to inspect or copy records shall, upon request of the party wishing to inspect such records, set forth in writing the reason for such denial and inform the requesting party of the manner in which the determination may be appealed.

(4) A person whose request to inspect or copy records has been denied by an employe of the board may appeal that decision to the board. The appeal shall be in writing and shall be either granted or denied by the board at its first meeting after it is filed.

Eth 6.03 Access to statements of economic interests. Request to Copy. The executive director or his designee shall require each person wishing to obtain a copy of a statement of economic interests in the board's possession to identify himself and, if he represents another person or organization, the identity of the person or organization he represents. The board shall record and retain information obtained by it pursuant to this section.

NOTE: This rule is based on the Board's determination that permitting people who are unwilling to identify themselves to conduct secret inquiries results in a harm to the public's interests that outweighs any benefit that would result from granting inspection.

Eth 6.04 Fees for copying records. The board shall charge no fee for providing 10 or fewer pages. The board may charge a fee of 10¢ per page for each page in excess of 10.