

ETHICS BOARD

Chapter Eth 1

AUTHORITY AND DEFINITIONS

Eth 1.01 Authority

Eth 1.02 Definitions

Eth 1.03 Definition; state public official

Note: Chapter Eth 1 as it existed on June 30, 1976 was repealed and a new Chapter Eth 1 was created effective July 1, 1976.

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.

History: Cr. Register, June, 1976, No. 246, eff. 7-1-76.

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, includes any business in which a person or a member of his or her immediate family is a director, officer, or trustee 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, Wis. Stats., 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 or her support from such person.

(6) "Municipal corporation" means any public body in this state which is empowered to borrow money and issue written obligations to repay the same out of public funds or revenues and includes a county, city, village, town, common school district, union high school district, unified school district, whether any such district is joint or otherwise, a board of education, a board of park commissioners, and a vocational, technical and adult education district.

(7) "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 a Statement of Economic Interests as required.

History: Cr. Register, June, 1976, No. 246, eff. 7-1-76; am. (1) and (5), Register, September, 1976, No. 249, eff. 10-1-76; renum. (6) to be (7), cr. (6), Register, May, 1977, No. 257, eff. 6-1-77; am. (1), Register, June, 1977, No. 258, eff. 7-1-77.

Eth 1.03 Definition; state public official. When one person holds 2 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 the covered capacity and is not a state public official when acting in the 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 2 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 or her official capacity as the holder of the position identified as a "state public office". This rule sets forth that interpretation.

History: Cr. Register, June, 1976, No. 246, eff. 7-1-76; am. Register, September, 1976, No. 249, eff. 10-1-76.