

SUBJECT: STATE EMPLOYEE MARRIED TO LOBBYIST- ATTENDANCE AT
FUNCTIONS SPONSORED BY SPOUSE'S EMPLOYER

SUMMARY:

A State employee who is married to a lobbyist would not be prohibited from attending functions sponsored by or paid by the spouse's employer since the employee's work is not involved with the spouse's employer's activities.

QUESTION:

A State employee employed in an administrative position for a State agency is married to a lobbyist. The employee's agency has no regulatory authority over the spouse's employer's activities. The spouse's employer sponsors activities at which transportation, meals, food, lodging, beverages, entertainment is provided to attendees. The employee's attendance is as a guest of the spouse, not through the State position held. The employee questions whether acceptance of lodging, transportation, food, beverages, or entertainment given or paid by the spouse's employer is prohibited by the Ethics Reform Act.

DISCUSSION:

This opinion is rendered in response to a letter dated January 15, 1992 requesting an opinion from the State Ethics Commission. The Commission's jurisdiction is limited to the applicability of the Ethics, Government Accountability, and Campaign Reform Act of

1991 (Act No. 248 of 1991; Section 8-13-100 et. seq., as amended, 1976 Code of Laws). This opinion does not supersede any other statutory or regulatory restrictions or procedures which may apply to this situation.

Section 8-13-705 prohibits a public employee accepting or receiving anything of value to influence an official action. It does not appear, from the facts as submitted, that the employee's agency has any regulatory authority over the activities of the spouse's employer. Such things of value are provided to the spouse as a result of the spouse's employment with the lobbyist principal. The State employee is invited by the spouse for love and affection as provided in Section 8-13-710(C). The Commission notes that Section 8-13-710(A) does not absolutely prohibit acceptance of anything of value from a lobbyist principal, only that such things of value be disclosed on the Statement of Economic Interests, if so required to file. Therefore, the State Ethics Commission would see no prohibition in the employee attending such functions as the guest of the spouse.

The State Ethics Commission further notes that the Secretary of State's Office has been requested to render an opinion concerning this same factual situation as it applies to the lobbyist provisions of the Ethics Reform Act.