

SUBJECT: STATE EMPLOYEE ASSISTING WITH CONVENTION

SUMMARY:

A State employee is not prohibited by ethics rules from off-duty employment in arranging conventions, however, since the employer is a lobbyist/lobbyist principal, the Secretary of State's Office should be contacted concerning such a relationship with a lobbyist/lobbyist principal.

QUESTION:

A State employee asks:

(1) The state employee is asked by a company to help with a convention/seminar. The company is one that handles accounts/newsletters/seminars and conventions for several associations. The employee is either on his/her own time or on annual leave from the state job. The company principal is a registered lobbyist but is not a registered lobbyist for the group that he/she has organized this particular convention/seminar for.

(2) The same situation as above except this time the convention is one where the principal in the company is a registered lobbyist for the association having the convention/seminar.

(3) If either or both of the above situations would be in compliance with the Act, then what would be the appropriate method to compensate the state employee:

(A) All compensation in the form of a check from the company that hired the employee and organized the convention/seminar

(B) A combination of a check from the company for mileage/hourly compensation and reimbursement for food/lodging via the association's convention master account.

DISCUSSION:

This opinion is rendered in response to a letter dated February 20, 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.

In prior advisory opinions, the State Ethics Commission has advised that a public employee may engage in outside employment consistent with established guidelines: (1) that no public materials or equipment are utilized, except as provided by Section 8-13-700(A), (2) such work is engaged in on the employee's own time, (3) the work does not interfere with the needs of the agency, and (4) the public

position is not utilized to obtain or continue such employment.

Provided that such work was done in accordance with these off-duty employment guidelines, there would not be a conflict with the ethics provisions of the Ethics Reform Act. The Commission calls attention to the provisions of Section 8-13-710(A) which provides:

(A) Unless provided by subsection (B) and in addition to the requirements of Chapter 17 of Title 2, a public official or public employee required to file a statement of economic interests under Section 8-13-1110 who accepts anything of value from a lobbyist's principal must report the value of anything received on his statement of economic interests pursuant to Section 8-13-1120 (A)(9).

Thus, if the employee is required to file a Statement of Economic Interest, income from a lobbyist principal would be required to be disclosed on the Statement of Economic Interests.

The State Ethics Commission further advises that the Secretary of State's office be contacted concerning these questions since they involve relationships with a lobbyist and lobbyist principal.