

**ETHICS INTERPRETATION EI-1992-005
ISSUED NOVEMBER 6, 1992**

The Ethics Commission, in its regular meeting on November 6, 1992, discussed your request for an ethics interpretation as to the following question:

As a registered lobbyist, under Title 74 O.S. 1991, § 4239, can I serve as a member of the governing board of an executive agency?

ANALYSIS

Section 4239 of Title 74 of the Oklahoma Statutes reads as follows:

No member of the legislative branch, judicial branch or executive branch shall receive any additional compensation or reimbursement from any person for personally engaging in lobbying, such as would require registration under this act, other than compensation or reimbursements provided by law for that member's job position.

Black's Law Dictionary, Fifth Edition defines the term "member" as follows:

Member. One of the persons constituting a family, partnership, association, guild, court, legislature, or the like.

It would be impossible to argue that a person serving on the governing board of an executive agency is not a "member" of the executive branch. This might not be true if such board had no authority to affect state policy or spend state funds. That is not the case here.

Since you are a registered lobbyist and you would qualify as a member of the executive branch, the next question is, "Do you receive compensation for lobbying?" If so, you may not serve in the position. If not, you may serve for so long as you receive no compensation for lobbying. This reasoning may seem unfair to those persons who serve voluntarily and receive no compensation for the services to the state; however, it appears to be the Legislature's intent by this statute that full-time paid lobbyists not serve in decision-making positions in state government.

CONCLUSION

It is, therefore, the ethics interpretation of the Ethics Commission as voted on at its regular meeting held on November 6, 1992, that under Title 74 O.S. 1991, § 4239, a full-time registered lobbyist who receives compensation for lobbying may not serve as a member of the governing board of an executive agency.

Please be aware that state law requires this agency to publish the Ethics Interpretations it issues. This will be done in such a way as to protect the name of the requesting party.