

**ETHICS INTERPRETATION EI-1993-003  
ISSUED MAY 13, 1993**

The Ethics Commission, in its regular meeting on May 13, 1993, discussed your request for an Ethics Interpretation as follows:

*According to Title 74 O.S. 1991, § 4239 and § 4241, is it a violation of the Ethics Commission Act for temporary state employees to also work as paid, registered lobbyists?*

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.

In Ethics Interpretation EI-92-005, the Commission held 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.

A member of the governing board of an executive agency may or may not be paid for their services. Most are volunteers. It follows that if an unpaid, volunteer citizen serving on the governing board of an agency is a "member" who may not be a registered lobbyist, someone who works for the state, even on a temporary basis, is also prohibited from being a registered lobbyist.

Section 4241 reads:

No state employee shall:

\* \* \*

3. Disclose or offer to disclose confidential information acquired by reason of his official position to any person, group or others not entitled to receive such confidential information, nor shall he use such information for his personal gain or benefit;

\* \* \*

5. Receive or solicit any compensation that would impair his independence of judgment for his services as an officer or employee of any state agency, from any source other than the state, unless otherwise provided by law; or

6. Accept or solicit other employment which would impair his independence of judgment in the performance of his public duties.

You have stated the following situation:

1. A registered lobbyist works for a state agency as a temporary administrative assistant.
2. You believe the lobbyist receives compensation from those for which he or she is registered.

The question asked does not present an obvious violation of this Section of the Act. Such a determination could not be made without all facts in evidence.

### **CONCLUSION**

**It is, therefore, the ethics interpretation of the Ethics Commission as voted on at its regular meeting held on May 13, 1993, that under Title 74 O.S. 1991, § 4239, a temporary state employee may not also be a registered lobbyist. A determination, as to whether a temporary state employee who is compensated by others as a registered lobbyist violates § 4241 (3), (5) or (6), could not be made without all facts in evidence.**

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