

What Would You Do If . . .
*Ethical Dilemmas During Your
“Average” Legislative Day*



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JANUARY 7, 2015

It's Just Another Day . . .



- Legislators encounter ethical dilemmas every day
- Some involve “outsiders” (lobbyists, lobbyist principals, liaisons, etc.)
- Some involve “insiders” (your LA, legislative staff, etc.)
- Where do you get answers to your questions?

What Governs Your Conduct?



- State Government Ethics Act - GS Chapter 138A
- Legislative Ethics Act – GS Chapter 120, Art. 14
- Lobbying Laws - GS Chapter 120C
- Legislative Ethics Committee (“LEC”) Principles and Guidelines (“P&Gs”)
- Legislative Services Commission (“LSC”) Policies
- Published Advisory Opinions
- Some criminal laws
- Good old fashioned common sense

A Day In The Life



1. Hurried and Harried



Legislator Marge is running late.

When she arrives in Raleigh she wants to ask the housekeeping staff to help her unload her car as she has several boxes of decorative items for her office.



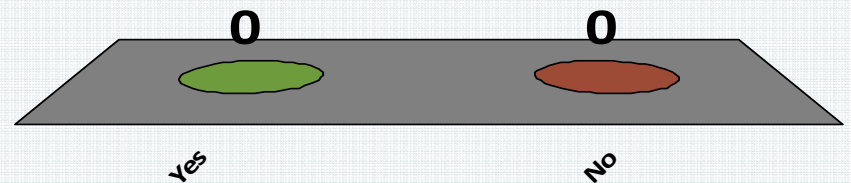
What Do You Think?



Should Marge ask housekeeping staff to unload her car?

1. Yes

2. No



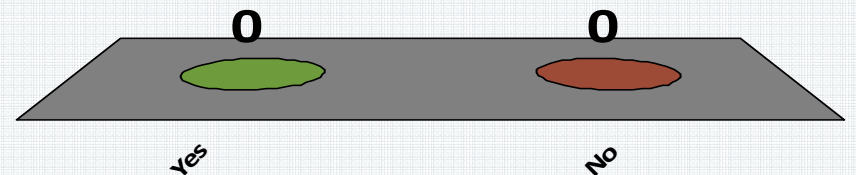
What Do You Think?



If the housekeeping staff unload Marge's car, may she provide them a tip for helping her?

1. Yes

2. No



And the Answer Is . . .



- Legislative office and resources (i.e. staff) are to be used for legislative purposes (*P&Gs 1-6*)
- Generally, legislative staff cannot accept additional financial compensation for doing what the General Assembly pays them to do
- Legislative staff can accept additional financial compensation in certain instances - unsolicited reasonable and customary tips are acceptable (*LSC Policy*)

2. LA Letter Writing



Legislator Marge gives direction to her LA to perform administrative tasks she believes are related to her public position.

Two of these tasks are writing thank-you letters to her 25 largest campaign contributors and a letter to newly registered voters in her district congratulating them on registering to vote.



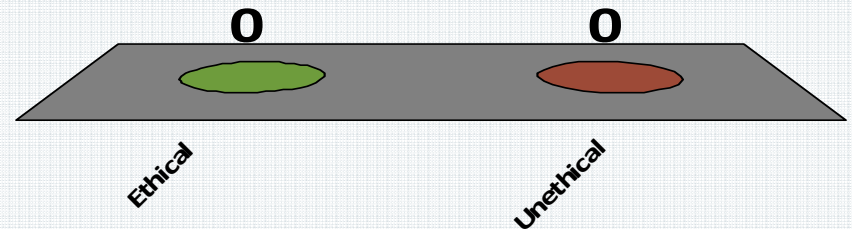
What Do You Think?



Asking her LA to write thank-you letters to her 25 largest campaign contributors is:

1. Ethical

2. Unethical



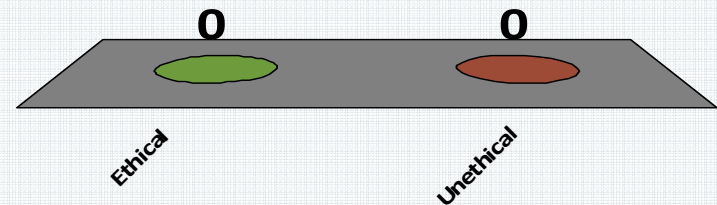
What Do You Think?



Asking her LA to write letters to newly registered voters congratulating them on registering to vote is:

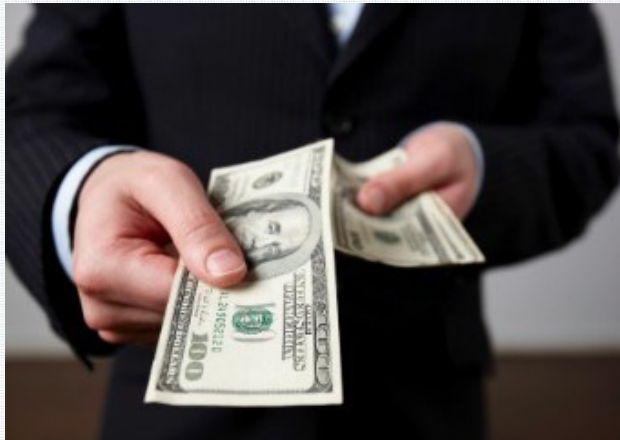
1. Ethical

2. Unethical



And the Answer Is . . .

Unethical to write thank you letters to campaign contributors *(P&G 7)*



Ethical to write letters to newly registered voters, under certain circumstances *(AO-LEC-07-001)*



3. Combining Calendars



Legislator Marge asks her LA to integrate her work, family, and political calendars into her legislative calendar and keep up with them all, giving her reminders of upcoming work, family, and political events.



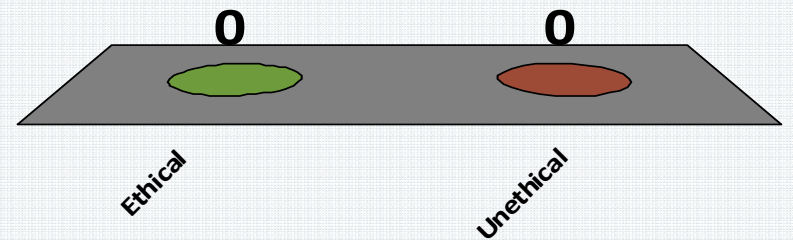
What Do You Think?



Legislator Marge's request is:

1. Ethical

2. Unethical



And the Answer Is . . .



- Don't know!
- Principles and Guidelines would incline towards being careful, as the legislative office and resources are for legislative purposes, not personal business or campaign activities



4. Business Bios



Legislator Marge has been tasked with developing a website for her CPA firm.

Specifically, the firm wants to include bios on every partner and associate.



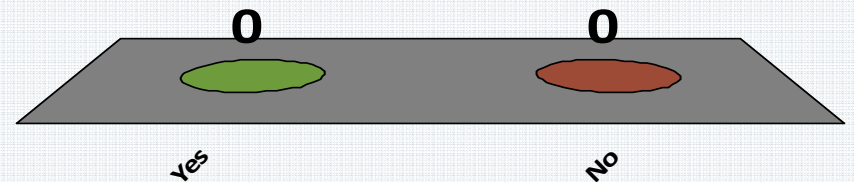
What Do You Think?



May Legislator Marge include in her bio that she is the House member from District 200?

1. Yes

2. No



And the Answer Is . . .



- Legislators cannot use (or allow anyone else to use) their public position in non-governmental advertising that advances the private interest of the legislator or anyone else (GS 138A-31(b))
- Exceptions:
 1. Political advertising
 2. News stories and articles
 3. Directory or a biographical listing
 4. Agenda or other document related to a meeting, conference, or similar event
 5. Nonprofit charitable solicitation
 6. Material disclosure to an existing or prospective customer, supplier, or client

5. Face-Tweeting



Legislator Marge likes to use social media.

She asks her LA to make posts under her name to accounts on Facebook & Twitter.



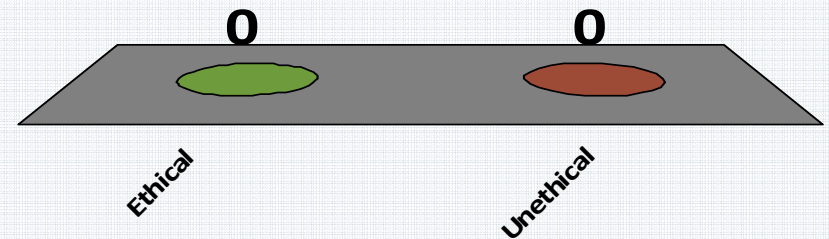
What Do You Think?



Legislator Marge's request is:

1. Ethical

2. Unethical



And the Answer Is . . .



- It Depends!
- The legislative office and resources are for legislative purposes –
 - ✗ If the post is campaign related, don't do it!
 - ✗ If the post is business related, don't do it!
 - ✗ If the post is personal, don't do it!
 - ? If the post is "Legislator Marge is currently on the chamber floor and unavailable," maybe o.k.

6. Campaign Cross-Reference



Legislator Marge has a terrific campaign website, with lots of information and links relevant to running for and holding office.

After the election, Legislator Marge has her campaign website updated to include her legislative contact information.



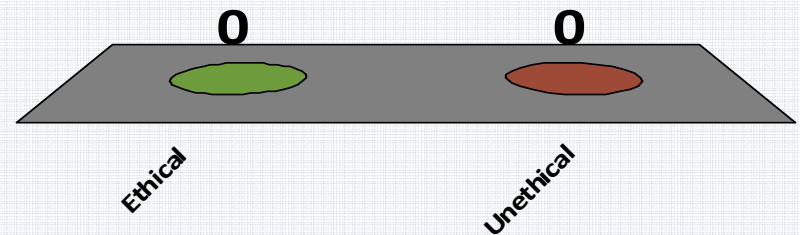
What Do You Think?



Including her legislative contact information on her campaign website is:

1. Ethical

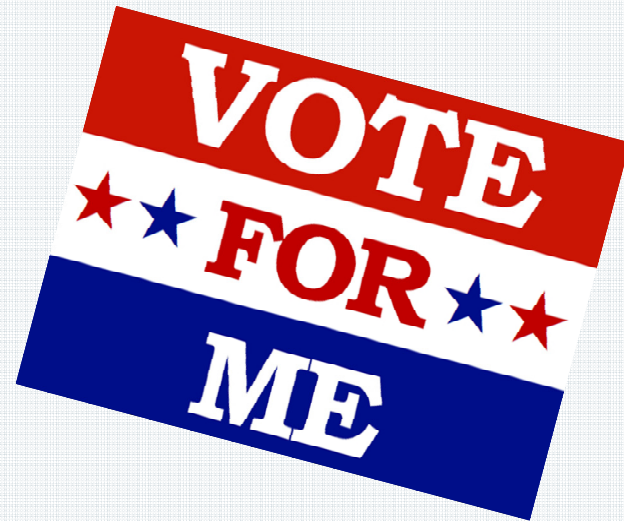
2. Unethical



And the Answer Is . . .



“To guard against the possibility that campaign material might initiate the conducting of a campaign from a legislative office, a member's legislative office address, legislative email address, or legislative telephone number should not be advertised as connected with or associated with the campaign.” *(P&G 7)*



7. Dangerous Liaisons



Legislator Marge's LA asks for some private time one morning.

With the office door closed, the LA proceeds to tell Legislator Marge that she is engaged in a steamy affair with the liaison personnel for the Office of Management, a State Agency with which Legislator Marge often deals.

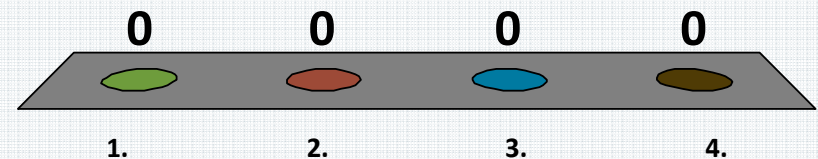
What should Marge do?



What Do You Think?



1. Fire the LA on the spot.
2. Tell the LA that such conduct by her office staff is strictly forbidden and to cease and desist immediately.
3. Report the conversation to the LA Supervisor.
4. Thank the LA for reporting the relationship.



And the Answer Is . . .



Legislative employees who are supervised directly by an elected official are required to tell that elected official when the legislative employee engages in a dating or sexual relationship with a lobbyist, lobbyist principal or liaison personnel (*P&G 9*)



WHEN To Ask For Help



- Remember to ask BEFORE you take action you think may be questionable!
- It is NOT better to ask for forgiveness than permission!
- There are NO dumb questions – the only dumb question is the one you DON'T ask!

WHERE To Go For Help



- State Ethics Commission

- Phone: 919-715-2071
- Email: ethics.commission@doa.nc.gov
- Website: <http://www.ethicscommission.nc.gov/>

- Legislative Ethics Committee

- Ethics Staff Phone: 919-301-1991
- Website:
<http://www.ncleg.net/gascripts/DocumentSites/browseDocSite.asp?nID=35>