

Five Ethics Rules Every Public Official Must Know

Assuming a public office can be overwhelming. Here are five ethics rules every public official needs to know.

Congratulations. As a newly-elected public official you have achieved your dream and now get to serve the public in a position of leadership. You are probably inundated with information about how to assume your duties and start making policy decisions. But as a new public official, you are subject to a myriad of ethics and conduct rules that can have a major impact on how your first term will go and may even factor into whether or not you will have a second one.

As the former Chief of Enforcement for the California Fair Political Practices Commission (FPPC), I have prosecuted over 3,000 public officials all across the state for a variety of campaign and governmental ethics violations. No brief article such as this can cover all the relevant guidelines, but here are five key rules that every new public official should know.

Rule One: You must disclose all your income, property and business interests.

A common mistake made by new public officials is not paying close enough attention to their initial Statement of Economic Interests (SEI or Form 700). This document informs the public about your economic interests so they can ensure that you are not taking actions to benefit your own interests. Be sure you avoid common pitfalls by carefully considering all relevant areas of disclosure. For example, your spouse's income and business interests are required to be disclosed. Business ownership or management positions, even if you don't receive income, must be disclosed. Gifts are included within the definition of income and must be disclosed. And keep in mind that significant clients of a business you own may also have to be disclosed.

Rule Two: Beware of conflicts-of-interest details.

Most public officials are generally aware that they cannot vote on item in which they have a material financial interest. But the rules can get complicated and there are some little-known areas of conflict law. For example, generally you cannot have a conflict as a result of accepting a campaign contribution. That said, you can have a conflict from a campaign contribution if you are appointed to another board, such as a LAFCO or Regional Transit Board. Second, note that your personal residence can be a source of a conflict even though you do not have to disclose it on your Form 700. Lastly, keep in mind that even simply influencing or participating in a decision can be enough to constitute a conflict. Conflicts are not just for formal votes.

Rule Three: Campaign funds are a public trust, not for personal use.

Most candidates who win public office spend hours cultivating donors who contribute to their campaigns because these donors support the candidate as an individual. Because donations are given to individuals, there is great temptation to believe these funds belong to the candidates themselves. However, there are very strict rules prohibiting the use of campaign funds for personal use. Any use of donations must be for a political, legislative or governmental purpose. These funds are held in the public trust. Even their disposal at the close of the campaign committee has rules regarding their use.

Rule Four: Do not negotiate for a new job while you still have this one.

Everybody is going to leave public office at some point. Many will leave to go to the private sector. Sometimes, they will leave to go to a company that did business with the agency for whom they served. Be careful to separate out your duties as a public official and your negotiations for a new job. Once you start negotiating terms of a job, including salary, you must recuse yourself from making, participating or influencing any decision being made about that company.

Rule Five: You cannot always do what you want when you leave office.

State ethics laws restrict public officials from some activities once they leave office. Specifically, they restrict officials, for one year after leaving governmental service, from being paid to communicate with their former agency in an attempt to influence certain actions or proceedings. This is basically a “cooling-off” period for government officials so they will refrain from attempting to go back to the agencies they were at with the intention of exploiting their knowledge and relationships.

Public service can be a very rewarding and challenging experience. Staying focused on serving the public and avoiding private interests is essential. Getting good advice if you have a question is also essential. Knowing to ask the right questions will help you be successful in your public service.

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