



ETHICS AND DISCLOSURES ACT

Wyoming Statutes §§ 9-13-101
through 9-13-109

DISCLAIMER

The Attorney General's Office represents the Wyoming Department of Agriculture and the Wyoming Board of Agriculture. Through that role, the Attorney General's Office may be called upon to provide legal advice to conservation districts on issues of general interest, as requested by the Director of the Department of Agriculture.

As a result, at the request of the Director of the Department of Agriculture, this presentation is intended to provide general information geared towards conservation districts.

USE OF TITLE AND PRESTIGE OF PUBLIC OFFICE

“No public official, public member or public employee shall use his office or position for his private benefit.” Wyo. Stat. Ann. § 9-13-103(a).

“Private benefit” means “the receipt by the public official, public member or public employee of a gift which resulted from his holding that office.” *Id.* § 9-13-103(b).

GIFT

“Gift” is defined as anything of value to the extent that consideration of equal or greater value is not received.

NOT A GIFT

- Printed informational, educational, promotional material
- Gift that is not used AND is returned or donated to a charitable cause with no tax benefit.
- Certificates and/or plaques less than \$250
- Compensation, per diem for performance of duties
- Travel, registration and lodging while acting in official capacity.

OFFICIAL DECISIONS AND VOTES

A public official “shall not make an official decision or vote on an official decision if the public official . . . has a **personal or private interest** in the matter.” Wyo. Stat. Ann. § 9-13-106(a).

- In determining whether he has a personal or private interest in a matter the public official “shall recognize the importance of his right to represent his constituency and shall abstain from voting only in clear cases of a personal or private interest as defined in this subsection.”
- A public official shall not “vote to give money or any direct financial benefit to himself except for tax reductions affecting the general public.”

PERSONAL OR PRIVATE INTEREST

a **personal or private interest**:

- Is an interest which is **direct and immediate** as opposed to speculative and remote.
- Is an interest that provides the public official **a greater benefit or a lesser detriment than it does for a large or substantial group or class** of persons who are similarly situated.
- If either of these conditions exists, then the public person shall abstain from voting on the decision and from making any official decision in the matter.
- This abstention from voting must be recorded in the governmental entity's official records.

MISUSE OF OFFICE

Public official shall not use funds, time, personnel, facilities or equipment for private benefit.

- if the use is incidental to another activity required or authorized by law and the public official, public employee or public member allocates and reimburses the governmental entity for any additional costs incurred for that portion of the activity not required or authorized by law

NO “INSIDER TRADING”

A public official, public member or public employee shall not disseminate to another person official information which the public official, public employee or public member obtains through or in connection with his position, unless the information is available to the general public or unless the dissemination is authorized by law.

NEPOTISM

- Family member = spouse, parent, sibling, child, grandparent, grandchild, or member of household.
- No public official shall advocate or cause the employment, appointment, promotion, transfer or advancement of a family member to an office or position of the state, a county, municipality or a school district.”
- A public official shall not supervise or manage a family member who is in an office or position of the state, a county, municipality or school district.
- A public official shall not participate in his official responsibility or capacity regarding a matter relating to the employment or discipline of a family member.

PROSPECTIVE EMPLOYMENT

A public official, public member or public employee may not vote or take an official action in a matter affecting a person with whom the public official, public member or public employee is negotiating for prospective employment.

- Example

- 1. (Most obvious): The public person may not undertake an action for a potential employer (i.e. an employer he recently applied to) in order to “curry favor” from that potential employer.
- 2. (Perhaps not so obvious): A public person who serves as an employer/hirer shall not undertake an action vis-à-vis someone who has applied to him for a job which could alter the employment-negotiation dynamics.

PENALTIES

- Violation equates to a misdemeanor punishable by a fine of not more than \$1,000.
- Violation constitutes sufficient cause for removal from office
- Criminal penalties may apply if you also commit a crime in the process of violating ethics act.