



## *House of Representatives*

JOE WILKINSON  
REPRESENTATIVE, DISTRICT 52

200 River Vista Drive, Unit # 203  
Atlanta, Georgia 30339  
(678) 398-7383 (O)  
(404) 843-8630 (H)  
EMAIL: [joe@joewilkinson.org](mailto:joe@joewilkinson.org)

STATE CAPITOL, ROOM 415  
ATLANTA, GEORGIA 30334  
(404) 463-8143  
(404) 657-8278 (FAX)

STANDING COMMITTEES:

ETHICS, CHAIRMAN  
ECONOMIC DEVELOPMENT & TOURISM  
HEALTH & HUMAN SERVICES  
INSURANCE  
JUDICIARY (EX-OFFICIO)

### MEMORANDUM

TO: All Members of the House of Representatives

FROM: Joe Wilkinson, Chairman  
House Committee on Ethics

DATE: August 25, 2015

RE: Conflicts of Interest and Improper Conduct

In discussions with other members of the House Committee on Ethics, I have seen a need to remind all members of the House that it is extremely important to maintain a separation between your legislative duties and position and your private business. Through the years, I have encountered numerous situations in which members have put themselves in situations in which they have approached improper conduct or conflicts of interest usually as a result of the member not thinking through the situation and the appearance that certain actions can have.

As you know, under O.C.G.A. § 45-10-90, improper conduct is defined as a member of the General Assembly (1) engaging in conduct that constitutes a conflict of interest, (2) engaging in conduct that is an abuse of official power, or (3) illegally using a person employed by the legislative branch of government in a political campaign. A conflict of interest is defined as having multiple interests and using one's official position as a legislator to exploit in some way such position for one's own direct, unique, pecuniary, and personal benefit. Abuse of official power means threatening to use the powers or personnel of a state entity for personal purposes of coercion, retaliation, or punishment.

Under House Rule 171.1, while the rules are not to be construed to prevent a member from lawfully pursuing his or her business or profession or to limit ordinary and necessary communications in the pursuit thereof while serving in an official capacity, no

member shall "shall unlawfully use his or her office or official position for personal financial gain, and each member or employee shall be entitled to compensation for his or her official duties only to the extent of pay and allowances attaching to such office or position or as is otherwise authorized by law."

Under House Rule 171.2, no member of the House is permitted to use state funds, facilities, equipment, services, or other state resources for nonlegislative purposes, for the private benefit of any person, or for the purpose of soliciting campaign funds. This Rule provides exceptions for:

- (1) Limited use of public resources for personal purposes if the use does not interfere with the performance of public duties by a member of the House and the cost or value related to the use is nominal;
- (2) The use of mailing lists, computer data, or other information lawfully obtained from public resources and available to the general public for nonlegislative purposes;
- (3) Telephone, facsimile or other communications use that arises out of or in connection with the member's ordinary course of business;
- (4) A member's use of the member's Capitol or Legislative Office Building office facilities for nonlegislative purposes if the use does not interfere with the performance of public duties by the member and there is no cost to the state for such use other than utility costs and normal wear and tear;
- (5) The storing and maintenance of campaign finance and election records in legislative offices;
- (6) Normal and customary caucus activities; or
- (7) Any other use that is not inconsistent with public service.

Under House Rule 171.3, no member of the House "shall knowingly seek, accept, use, allocate, grant, or award public funds for a purpose other than that approved by law or make a false statement in connection with a claim, request, or application for public funds".

Under House Rule 171.4, no member shall, directly or indirectly:

- (1) "Perform or withhold, or state or imply that the member ... will perform or withhold, any official action solely as a result of a person's decision to provide or not provide a political contribution;" or
- (2) "Perform or withhold, or state or imply that the member ... will perform or withhold, any constituent service solely as a result of a person's decision to provide or not provide a political contribution".

All Members of the House of Representatives  
August 25, 2015  
Page 3

Linking your legislative service with your private business endeavors will often create an appearance of impropriety or improper conduct whether one is intended by the member or not. For example, using your legislative business card in connection with your private business dealings can give the impression that, by doing business with you or your company, you can provide a customer with special favors or benefits not available to the general public. Similarly, placing the fact that you are a member of the House of Representatives on advertisements for your business and listing the committees on which you serve creates a similar appearance of impropriety since such facts are irrelevant to your private business and may convey the impression that you can provide special treatment through your position as a legislator which is improper. Also, conveying the impression that, if someone does not do business with you or your company, you can withhold from them certain benefits from state government is improper, whether the impression is intended or not.

The best rule to follow is to not link your legislative position in any manner with your private business activities. In that way, you will not place yourself in the position in which you could be considered to have a conflict of interest or be engaging in improper conduct. It is our obligation to hold ourselves to the highest standards of conduct and thereby ensure that the citizens of this state have confidence in us that we are seeking the best for them and not pursuing our own private interests. It is important to constantly be alert to avoiding situations which appear questionable or inappropriate. As our State Constitution provides in Article I, Section II, Paragraph I, public officers "are the trustees and servants of the people and are at all times amenable to them."

If you have questions regarding this memorandum or any other questions regarding ethics, please let me know and I will be glad to work through the question with you.