

Advisory Opinion 2009-4

Please Note: For clarity, references to and excerpts from provisions of statutes or the Ethics Guidelines have been updated to conform to subsequent changes in numbering and language, where the changes have not affected the substance of the Opinion.

Response to a Request for an Advisory Opinion from Representative Robin P. Read

Representative Read has asked for the Committee's "guidance about what [he] can and cannot do under the Legislature's ethics guidelines to assist [his daughter] in the process of seeking an internship." He states that he has contacted certain State agencies and a nonprofit organization inquiring about the availability of summer intern programs, and if available, what his daughter should do to apply or to obtain further information. He also states that he may informally make similar inquiries to lawyers or law firm staff known personally to him. He notes that some such inquiries may be directed to lawyers or staff in "firms representing clients with interests that will come before the Legislature or are themselves registered lobbyists."

The Committee responds as follows.

The relevant provisions of the Ethics Guidelines are:

Section 1, **Principles of Public Service**

Paragraph I, Public Office As A Public Trust

Legislators shall treat their office as a public trust, only using the powers and resources of public office to advance public interests, and not to attain personal benefits or pursue any other private interest incompatible with the public good.

Section 2, **Definitions**

Paragraph I, (1): "Anything of Value" includes...a promise of employment....

Section 3, **Prohibited Activities**

Paragraph, II (b): Legislators shall not solicit... anything of value from another for themselves or other persons, if the legislator receives such thing of value...[k]nowing or believing that the giver is or is likely to become subject to or interested in any matter or action pending before or contemplated by the legislator or the General Court.

Paragraph III: Legislators shall not: **** (*e*) Use their public position or office to obtain anything of value for the private benefit of the legislator, a member of the legislator's immediate family, or a household member.

Section 4, Permitted Activities; Permitted Gifts

Paragraph I Nothing in section 3, Prohibited Activities, shall be construed to prohibit the following: **** (d) Submission by a legislator of recommendations or references on behalf of a candidate for state employment when the legislator believes the candidate is qualified and suitable for such employment.

The Committee advises that the very limited previous inquiries Representative Read has described in his letter do not appear to involve violation of these provisions. However, the Committee cautions that even such limited inquiries, if directed at persons or firms professionally involved with any matter or action pending before or contemplated by the General Court, may be perceived as questionable solicitations, in light of Section 3, Paragraphs II (b) and III (e).

We appreciate the opportunity to be of assistance.

Martin L. Gross, Chairman
For the Committee