



# Senate Members Ethics Review

## Hypotheticals for Discussion

# Hypotheticals for Discussion

As you review the following hypothetical scenarios, consider the following questions:

- 1) What ethical and/or legal issues does this scenario raise?
- 2) How should the situation be resolved?
- 3) Is there a difference in how the situation should be resolved if it involves you personally, another staff member, or a senator?
- 4) Who else, if anyone, should be involved in resolving this issue (e.g. the Senate Rules Committee, the Senate Committee on Legislative Ethics, the Fair Political Practices Commission, state or federal criminal justice agencies, etc.)?

**1. Businessperson interested in pending special tax legislation that would adversely affect his business invites Senator from businessman's district to dinner one-on-one to be paid for by the businessperson. What can they talk about?**

- a) Senator's daughter's summer job opportunities.
- b) Senator's in-district Boys Club event sponsorship.
- c) Senator's campaign funding needs.
- d) Senator providing businessperson a Senate Resolution of appreciation.
- e) General state of economy and burden of taxes upon California businesses.
- f) Tax legislation that particularly affects the interests of the businessperson.

**2. Lobbyist wants to assist Senator with campaign fundraising. She suggests a small dinner event where she will invite several of her clients to attend. She considers holding the dinner in her home, but decides on a restaurant near the Capitol. She emails a couple of her clients and coordinates the date with the Senator's fundraiser. In attendance are the Senator, his fundraiser, the lobbyist and two clients of the lobbyists. The clients indicate they have requested campaign contribution checks be sent to the Senator's fundraiser after the dinner. The clients pay for the dinner.**

3. Senator wants to surprise his spouse with Kings tickets. Senator directs his staff to get information on available tickets from lobbyist whose clients have a luxury box. Lobbyist contacts his client who has tickets available. Client doesn't respond quickly. Senator presses his staff member to bug the Lobbyist. Lobbyist makes further inquiry of client who then provides Senator the tickets. The day following the game, the lobbyist contacts the Senator's staff about carrying legislation on behalf of one of the lobbyist's clients.

4. A former Senator is now working as a “consultant” to various individuals, including Donor, who is a major donor with whom a current Senator recently met to request a contribution. Bob, an employee of Donor’s, is seeking to get his daughter admitted to a very competitive graduate program at a major university. The former Senator who was a colleague of the current Senator sends the Senator an email asking that the Senator contact a member of the board of directors of the university on behalf of Bob’s daughter.

4. (Continued)

The email states: “Bob is **DONOR’S MONEY GUY** and her partner. His daughter is super smart and interned in my Senate office. I need to have Board Member take a call from me and Bob. We both don’t know her and it would be a huge favor. I know you know her well. **THIS IS GOING TO BE BIG IF YOU COULD MAKE THIS HAPPEN.**” (caps in original email)

## 5. Consider the following scenarios:

- a) The Senator has “important constituents” flying into Sacramento airport and asks his staff to drive out and pick them up.
- b) The Senator asks staff to “take a break” and go pick up a campaign check.
- c) The Senator asks Capitol staff to attend Sacramento fundraisers so they can answer any questions that come up at the fundraiser about bills or public policy currently before the Legislature.



6. Lobbyist testifies in support of Senator's legislation at Capitol hearing held in morning. That afternoon the Senator enters her campaign office where she pulls out a call list with names to contact about possible campaign contributions to benefit her political party. The first name on the list is the lobbyist who testified in support of her legislation. (What if instead of raising money for her political party it was for her re-election campaign?)

7. Former legislator lobbyist has condo in Tahoe and invites Senator and spouse to spend a week at the condo during Summer Recess. Lobbyist is called away from Tahoe on family emergency and gives Senator the keys. Senator arranges to become a panelist at Tahoe conference held during his week at the Tahoe condo.

8. Senator publishes Top 10 items on his personal bucket list on Facebook. Lobbyist Employer's government affairs representative who is a FB friend of the Senator sees the Facebook posting and posts the following FB message, "We can help you achieve #8. Like our FB page. Hope you can support our bill!! 😊" What should Senator do?

- a) Unfriend the Lobbyist Employer's representative?
- b) Post a denial message on Facebook?
- c) Contact the U.S. Attorney?
- d) Communicate disapproval by other medium to the Lobbyist Employer's representative?

9. Lobbyist Employer is the main corporate benefactor of a charitable foundation. The foundation annually awards a National Legislative Achievement award, which comes with a \$25,000 cash award. Lobbyist Employer recommends Senator as a candidate for the award. Senator is currently carrying the Lobbyist Employer's legislative package of bills.

**10. Lobbyist employer hosts an annual dinner honoring the organization's Legislator of the Year. The Senator who has agreed to carry the organization's next bill is selected to be honored at the event, which includes an expensive dinner and live entertainment.**

- a) What if the Senator is asked to make a speech on an issue important to the organization (not just an acceptance speech) at the event?**
- b) What if the Senator will also provide the organization's board members with a certificate of recognition at the event?**

**For questions regarding  
ethics, contact:**

**Cary Rudman – (916) 651-1507**  
***Chief Counsel, Senate Committee  
on Legislative Ethics***

**Greg Schmidt – (916) 651-4120**  
***Secretary of the Senate, Senate  
Rules Committee***