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Subject: Brief ethics opinon update on USC suite

Governor,

Just wanted to provide you a quick update on this because we got some good news today.

Last week, a reporter questioned whether USC's practice of providing the Office of the Governor with football tixs and the suite was permissible under the Ethics Act. In responding to the reporter's general question of whether a lobbyist principal could provide a constitutional officer with free tickets to a football game, Herb Hayden responded that USC could only provide tickets in the amount of \$60 a day or \$480 a year. Because the tixs and suite have a value of more than \$60 a day, the reporter concluded that this practice was a violation of the Ethics Act. Obviously, we disagreed with his conclusion, but because the Commission had never taken a position on this precise issue, the Ethics staff would not provide an informal opinion blessing the practice.

Our office and USC submitted a joint request for an Advisory Opinion to the Ethics Commission to clear up the issue, arguing that the tickets are provided to the Office of the Governor and not to any particular Governor. Today, the Ethics Commission voted unanimously to issue an opinion which holds that the practice is permissible as long as "state-related uses for the tickets take priority over the personal use by individual public officials, public employees, and others." Use by family members and office staff is fine if someone with a legitimate state-purpose is unable to use them.

Let me know if you have questions.

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