



Publication of Information in the Public Interest

Related to Complaint 25-07

Ethic Rule 6.9 Confidentiality of Complaint or Investigation.

“Unless the Commission determines that a complaint or a formal investigation should be made public, all complaints and formal investigations, including documents and discussions in executive session, shall remain confidential and shall not be disclosed by a Commissioner, by the Commission or by its employees except to the extent necessary to facilitate or conduct a preliminary inquiry or a formal investigation. However, the Executive Director may confirm or deny the existence of a complaint or formal investigation alleging a violation of these Rules by any individual upon the written request of that individual. A settlement agreement executed under these Rules shall be public record. The Commission may make a complaint or formal investigation and any documents relating thereto public at any time it deems release of that information to be in the public interest.”

At the May 1, 2025 Ethics Commission Meeting, the Commission determined that the following information relative to Complaint 25-07 was necessary for the purpose of public transparency and education:

Compliant C-25-07 alleged a state officer utilized written communication on state letterhead and state resources advocating for and endorsing an entity, in this case identified as a labor organization. While labor organizations are typically defined as private entities, in this complaint the entity endorsed is actually a 501(c)(3) non-profit and calls itself the “non-union alternative...”.

Pursuant to Ethics Rule 4.4., “[e]xcept as permitted by law, a state officer or employee shall not use his or her State office.... (2) for the endorsement of any product, service or enterprise...”. However, “[a] state officer or employee may promote or solicit funds for civic, community or charitable organizations, including those promoting businesses or industries, or civic, community or charitable fundraising events provided the state officer or state employee receives nothing for doing so except the costs associated with the state officer or state employee’s participation in a fund-raising promotion or event paid for from funds of a charitable organization. Ethics Rule 4.2 (2) defines a “Charitable Organization” as “one described in Section 501(c)(3) of Title 26 of the United States Code as it currently exists or as it may be amended.”

Therefore, a state officer or employee who utilized his or her state office or employment to promote a charitable organization is not in violation of Ethics Rule 4.4.