

**Regulation 36-14-5008 — Acting as Agent or Attorney for Other than State or Municipality.**

- (a) No state appointed or elected official or employee, who exercises fiscal or jurisdictional control over any state agency, board, Commission or governmental entity, shall act, for compensation, as an agent or attorney before such agency, board, Commission or governmental entity for any person or organization in any particular matter in which the state has an interest or is a party, unless:
  - (1) such representation is in the proper discharge of official duties; or
  - (2) such official or employee is acting as a representative of a duly certified bargaining unit of state or municipal employees; or
  - (3) such appearance is before a state court of public record; or
  - (4) the particular matter before the state agency requires only ministerial acts, duties, or functions involving neither adversarial hearings nor the authority of the agency to exercise discretion or render decisions.
  
- (b) No municipal appointed or elected official or employee, who exercises fiscal or jurisdictional control over any municipal agency, board, Commission or governmental entity, shall act, for compensation, as an agent or attorney before such agency, board, Commission or governmental entity for any person or organization in any particular matter in which the municipality has an interest or is a party, unless:
  - (1) such representation is in the proper discharge of official duties; or
  - (2) such official or employee is acting as a representative of a duly certified bargaining unit of state or municipal employees, or
  - (3) such appearance is before a state court of public record; or
  - (4) the particular matter before the municipal agency requires only ministerial acts, duties or functions involving neither adversarial hearings nor the authority of the agency to exercise discretion or render decisions.
  
- (c) For purposes of this Regulation, “fiscal control” shall include, but is not necessarily limited to, authority to approve or allocate funds or benefits for the applicable state or municipal entity.
  
- (d) For purposes of this Regulation, “jurisdictional control” shall include, but is not necessarily limited to, appointing authority, appellate review, or other substantive control in connection with the operation of the applicable state or municipal entity.