

CHAPTER 59. OPINIONS AND ADVICES OF COUNSEL

- Sec.
59.1. Ethics Act regulations in Part I as to opinions and advices of counsel.
59.2. Standing requirements.
59.3. Prospective conduct to be reviewed.

§ 59.1. Ethics Act regulations in Part I as to opinions and advices of counsel.

(a) The Commission will provide advices of counsel and opinions in accordance with the procedures in section 1107 of the Ethics Act (relating to powers and duties of commission) and Chapter 13 (relating to opinions and advices of counsel).

(b) A person who acts in good faith based upon a written advice or opinion of the Commission issued as to that person will not be held liable for a related violation of the act if the material facts are as stated in the request.

(c) A respondent or defendant who reasonably relies upon advices or opinions of the Commission shall have an affirmative defense under section 13A09(g)(1) of the act (relating to penalties).

§ 59.2. Standing requirements.

(a) The following shall have standing to request an advisory under the act:

(1) A principal, lobbying firm, lobbyist, State official or employee, the Department, the Board or the authorized representative of any of the aforesaid.

(2) Individuals, entities or their authorized representatives regarding their status or duties under the act.

(b) A principal or lobbying firm shall have standing to request an advisory regarding the status, duties or activities of its employees.

(c) An unauthorized request for an advice or opinion as to the conduct of another shall be considered a “third-party request” and will not be entertained.

(d) The Department and the Board will have standing to request an advisory as to questions or issues regarding their respective duties and authority under the act.

§ 59.3. Prospective conduct to be reviewed.

An advice or opinion will only be issued as to prospective conduct, pertinent to the subject of the request.

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