

MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN • SECRETARY OF STATE  
STATE TREASURY BUILDING



27-84-LI

LANSING  
MICHIGAN 48918

June 11, 1984

Ted Vliek  
Administrative Assistant to the Superintendent and  
Secretary to the Board of Education  
Portage Public Schools  
8111 South Westnedge  
Portage, Michigan 49002

Dear Mr. Vliek

This is in response to your letter regarding the scope of the public official exemption contained in the lobby act, 1978 PA 472 (the "Act").

You outline two factual situations which you believe may result in your activities being exempt from registration or reporting under the Act, by virtue of the exemption for certain public officials in section 5(7)(b) of the Act (MCL 4.415).

In the first situation you point out that you are an employee of the school district. You are the administrative assistant to the superintendent and assume the duties of the superintendent in his absence. The first question leads from these facts as follows:

"Since the superintendent of schools is exempt from P.A. 472, 1978, would not I also be exempt in those situations where my lobbying was directly related to the Portage Schools and where I served as an extension of the superintendent's office or in his behalf?"

Section 5(7)(b) provides that the terms lobbyist or lobbyist agent do not include:

"(b) All elected or appointed public officials of state or local government who are acting in the course or scope of the office for no compensation, other than that provided by law for the office."

The application of this provision has been previously discussed in the attached letter to the executive director of the Michigan Association of School Administrators. In the letter it was concluded that the school superintendent

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is the only appointed school administrator qualifying for the exemption. Other school administrators are employees who are specifically required to register and report when their activities reach the lobbyist agent threshold set forth in the Act. The exemption for public officials is personal to the individual occupying the office and does not extend to other individuals.

The second issue you raise is whether the fact that you are the secretary of the board of trustees makes you a public official and therefore exempt from registering and reporting. As previously indicated the Department has concluded that only elected board members and school superintendents are public officials who qualify for the exemption set forth in section 5(7)(b).

This letter is informational only and does not constitute a declaratory ruling.

Very truly yours,



Phillip T. Frangos  
Director  
Office of Hearings and Legislation

PTF/cw  
Attachment