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Dear Colleague:

Public service is a public trust, and that trust requires clarity about the limits the law imposes. With the recent convening of the General Assembly, this letter is written to address concerns that I have heard on a number of occasions, but which many may be reluctant to address. The concerns that I have heard relate to what can be described variously as improper conduct, unethical requests and undue influence on the part of certain public officials or on the part of those purporting to have influence with certain public officials. Many have privately asked what the law is and what a person should do if faced with a request that he or she believes to fall into the categories of things like improper conduct, unethical requests, undue influence, or public corruption.

Abuse of office violations may include extortion, bribery, kickbacks, sexual harassment and misconduct, and quid pro quo arrangements—situations in which something of value (such as money, campaign support, or other benefits) is demanded, offered, or implied in exchange for legislative action, official access, special treatment, or influence over policy outcomes. Public corruption may also include taking or withholding action for one's personal gain or to enact retribution against another.

First, addressing what the law is on the topic. **Public officers cannot put their personal interests first and cannot demand or request personal benefit as a condition to performing their public duties.** First and foremost, every public official of this State, including those elected to the General Assembly, owes a fiduciary duty to the people. That duty is first and paramount. The Georgia Constitution provides that “[p]ublic officers are the trustees and servants of the people and are at all times amenable to them.” Ga. Const. Art. I, Sec. II, Para. I.

Georgia law provides felony remedies for many situations that have been described. For example, O.C.G.A. § 16-8-16 relevantly defines the crime of extortion as follows:

- (a) A person commits the offense of theft by extortion when he unlawfully obtains property of or from another person by threatening to: . . .
- (4) Take or withhold action as a public official or cause an official to take or withhold action;

In summary, if property is obtained from a person who receives the threat, the felony of extortion against a public official can be based solely on a threat to take or withhold action as a public official. The crime is not limited to public officials taking such action, but extends to those that obtain property based on the threat to “**cause an official to take or withhold action**,” which would include campaign and official staff.

In addition, Georgia law also addresses the crime of bribery and provides relevantly that:

(a) A person commits the offense of bribery when:

- (1) He or she gives or offers to give to any person acting for or on behalf of the state or any political subdivision thereof, or of any agency of either, any benefit, reward, or consideration to which he or she is not entitled with the purpose of influencing him or her in the performance of any act related to the functions of his or her office or employment; or
- (2) A public official, elected or appointed, or an employee of this state or any agency, authority, or entity of the state, or any county or municipality or any agency, authority, or entity thereof, directly or indirectly solicits, receives, accepts, or agrees to receive a thing of value by inducing the reasonable belief that the giving of the thing will influence his or her performance or failure to perform any official action.

While there are enumerated statutory exceptions to the definition of “[a] thing of value,” those convicted of the crime of bribery “shall be punished by a fine of not more than \$5,000.00 or by imprisonment for not less than one nor more than 20 years, or both.”

It is also worth noting that Georgia law provides for the crime of criminal attempt, which only requires that a person “with intent to commit a specific crime . . . performs any act which constitutes a substantial step toward commission of that crime.” O.C.G.A. § 16-4-1.

Georgia law provides whistleblower protection for some individuals who report government officials who participate in improper and corrupt activities. In those instances, the individual is entitled to anonymity and protection from retaliatory action. O.C.G.A. § 45-1-4.

Second, addressing what to do if confronted with a request that causes concern, here are some steps you can take to protect yourself against public corruption:

- Decline any offer, request, or suggestion that ties something of value to official action, access, or influence.
- Conduct legislative and lobbying activities through established, transparent channels and in compliance with state ethics and disclosure rules.
- Preserve relevant emails, text messages, calendars, voicemails, and financial or campaign-related records.
- Do not attempt to investigate or confront suspected wrongdoing on your own.

- Seek advice from independent legal counsel or an ethics officer if you are uncertain about the propriety of a situation.

Lastly, if you believe you may have been pressured, solicited, or involved in conduct that could constitute public corruption, you should:

- Report concerning activity to the State Ethics Commission or House and Senate Ethics Committees.
- Contact our office or appropriate law enforcement.
- Consult with legal counsel prior to reporting to better understand your rights, obligations, and available protections.

Good faith reporting of suspected misconduct can help safeguard the integrity of state business and the legislative process.

If you are unsure whether a particular interaction or request constitutes a violation, promptly seek guidance. Addressing concerns early can prevent escalation and protect both individual and institutional integrity.

Thank you for your service and for your commitment to transparent and ethical governance that works for all Georgians.

Sincerely,



Christopher M. Carr
Georgia Attorney General