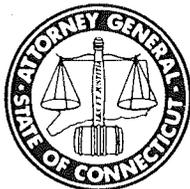


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December 13, 2013

Honorable Anthony J. Castagno
Chair
Governmental Accountability Commission
20 Trinity Street
Hartford, CT 06106

Dear Chairman Castagno:

You have asked for an opinion as to whether, under § 1-301 of the General Statutes, the Governmental Accountability Commission (GAC) has “the authority to periodically evaluate the Executive Administrator” and “to periodically set goals and expectations for the Executive Administrator.” We conclude that the GAC has such authority.

As part of the consolidation of various agencies and commissions under the Office of Governmental Accountability (OGA), Public Act No. 11-48 established the GAC. It is comprised of the chairpersons of the Citizen’s Ethics Advisory Board, the State Elections Enforcement Commission, the Freedom of Information Commission, the Judicial Selection Commission, the Board of Firearms Permit Examiners, and the State Contracting Standards Board; the executive director of the Judicial Review Commission; the Child Advocate; and the Victim Advocate (or their respective designees). Conn. Gen. Stat. § 1-301(a). The Public Act also created an executive administrator to serve as the “administrative head” of the OGA. *Id.*, § 1-300(a). The GAC is statutorily empowered to meet for the purpose of making recommendations to the Governor for candidates for the OGA executive administrator and “for the purpose of terminating the employment of the executive administrator.” *Id.*, § 1-301(a).

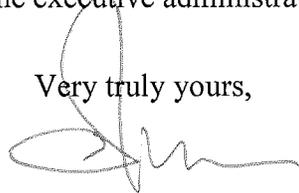
Section 1-301 does not expressly authorize the GAC to set goals and expectations for or to evaluate the OGA executive administrator. That of course is not the end of the inquiry. When the legislature confers a power, that grant of authority should be interpreted to include such lesser powers as are necessary to

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achieve the legislature's purpose. *Southern New England Tel. Co. v. Dept. of Pub.Util.Control*, 237 Conn. 1, 30 (2002); *Nelseco Navigation Co. v. Dept. of Liquor Control*, 226 Conn. 418, 424 (1993). The GAC has the authority to terminate the employment of the executive administrator. Surely if the legislature intended to confer the power to terminate, it must have meant to allow the GAC to set expectations and to evaluate whether the executive administrator has met such expectations before exercising its termination power. To conclude otherwise would create a nonsensical and unworkable obstacle to the GAC's exercise of its termination authority, and statutes must be construed to avoid such results. *Goldstar Medical Servs., Inc. v. Dept. of Social Servs.*, 288 Conn. 790, 803-04 (2008). Moreover, the legislative history supports this sensible interpretation. 54 Sen. Proc., at 4230 (June 1, 2011) (remarks of Sen. Harp) (stating that GAC has "the power to *evaluate* and terminate the executive administrator" (emphasis added)).

We therefore conclude that the GAC has the authority to set goals and expectations for and to evaluate periodically the executive administrator.

Very truly yours,



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