

Guide to the Code of Ethics for Legislators



2010

Guide for Legislators

INTRODUCTION

The Connecticut Office of State Ethics (OSE) is an independent regulatory agency for the state of Connecticut, charged with administering and enforcing the Connecticut Codes of Ethics, located in the Connecticut General Statutes, Chapter 10.

The Ethics Codes under the OSE's jurisdiction are comprised of:

- The Code of Ethics for Public Officials (Part I);
- The Code of Ethics for Lobbyists (Part II); and
- Limited jurisdiction over Ethical Considerations Concerning Bidding and State Contracts (Part IV).

This guide provides general information only. The descriptions of the law and the OSE in this guide are not intended to be exhaustive. Please consult Advisory Opinions and Declaratory Rulings on our website and contact the Legal Division of the OSE with any questions regarding interpretation of the law.

Please note that some statutory or other provisions discussed in this guide are not part of the Codes of Ethics and are provided strictly for informational purposes only.

For more information on the subjects discussed in this guide, call, write or visit:

Connecticut Office of State Ethics
18-20 Trinity Street
Suite 205
Hartford, CT 06106

860/263-2400
www.ct.gov/ethics



Citizen's Ethics Advisory Board:

G. Kenneth Bernhard, Chairperson (through September 2011)
Thomas H. Dooley, Vice Chairperson (through September 2012)
Ernest N. Abate (through September 2011)
Kathleen F. Bornhorst (through September 2012)
Rebecca M. Doty (through September 2011)
General David Gay (ret.) (through September 2013)
Dennis Riley (through September 2013)
Winthrop Smith, Jr. (through September 2013)
Shawn T. Wooden (through September 2013)

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THE OFFICE OF STATE ETHICS (OSE)

The Connecticut Office of State Ethics (OSE) was officially created on July 1, 2005, by Public Act 05-183. The governing body of the OSE is the Citizen's Ethics Advisory Board (CEAB), nine members appointed by the Governor and legislative leadership. The CEAB holds monthly meetings that are open to the public and that are often covered by CT-N. A schedule of CEAB meeting dates, times and locations is available on the OSE's Web site, www.ct.gov/ethics.

The OSE is an independent watchdog agency for the state of Connecticut that administers Connecticut General Statutes, Chapter 10, Parts I and II, with limited jurisdiction over Part IV.

Simply put, the OSE educates all those covered by the law (the "regulated community"); provides information to the public; interprets and applies the codes of ethics; and investigates violations, and otherwise enforces, the codes.

The OSE is made up of the following components:

- Citizen's Ethics Advisory Board
- Executive Director
- Legal Division
- Enforcement Division

THE BIG PICTURE

The Code's substantive ethical rules for legislators are contained in Connecticut General Statutes Sections 1-84 and 1-85. Essentially, these sections are intended to prevent one from using public position or authority for personal financial benefit. Section 1-86 prohibits members of the General Assembly from being lobbyists.

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VOTING AND OFFICIAL ACTION



Financial Gain

Legislators are prohibited from taking official action on a matter if the legislator has reason to believe or expect that he or she, his or her spouse, a dependent child, or an associated business will derive a direct monetary gain (or suffer a direct monetary loss) as a result of the action. Conn. Gen. Stat. § 1-85.

A legislator may act, however, if any resultant gain or loss accrues to no greater extent than to any other member of the group (such as all taxpayers or homeowners in Connecticut) affected by the legislation.

Official action includes not only voting, but also discussion of a matter, and applies to actions both in committee and on the floor of the General Assembly.

“**Business with which...associated**” is defined to include any entity through which business for profit or not for profit is conducted in which the legislator, or a member of his or her immediate family, is a director, officer, or holder of significant ownership interest. **Note:** There is an *exception* for unpaid service as an officer or director of a non-profit entity.

A legislator may not accept anything of value, including a political contribution, in exchange for official action. Conn. Gen. Stat. § 1-84 (g); Penalty: \$10,000 per violation, § 1-88.

Official Action

Example: You are a State Senator and also serve on the board of directors of a for-profit corporation. The corporation is a business with which you are associated. The corporation has applied to the General Assembly for bonding.

As a legislator, you would have a substantial conflict in this situation, and may not take official action on the specific bonding request.

Monetary Gain

Example: There is a neutral-sounding bill that would allow unrestricted interstate banking in CT. You have financial interest in bank stock with a bank that has a pending merger agreement contingent upon the passage of the bill in question. Your stock value would significantly increase as a result of the merger.

You have reason to expect a direct monetary gain greater than one or more other members of the affected group, since others with financial interests in banks, but without a specific pending beneficial merger, would not have a reasonable expectation of similar gain. You may therefore not take official action on this legislation.

BENEFITS PROVIDED TO LEGISLATORS



Gifts

As a legislator, there are rules in place regarding accepting gifts from both restricted and non-restricted donors. In general, you may not accept gifts from restricted donors.

Restricted Donors

Restricted donors include:

- Registered lobbyists (a list is available on the OSE's Web site) or a lobbyist's representative;
- Individuals or entities doing business with the legislative branch;
- Individuals or entities seeking to do business with the legislative branch;
- Individuals or entities engaged in activities regulated by the legislative branch; or
- Contractors pre-qualified by the Connecticut Department of Administrative Services (Conn. Gen. Stat. § 4a-100).

A **gift** is defined as anything of value that *you* (or a member of your *family* or your *staff*) directly and personally receive *unless* you provide consideration of equal or greater value (e.g., pay for the item). Conn. Gen. Stat. § 1-79 (e).

Gift Exceptions

There are, however, certain exceptions to this definition of gift. Not all exceptions are covered below; see Conn. Gen. Stat. § 1-79 (e) (1) – (17) for the complete list.

- *Token Items* – Restricted donors such as registered lobbyists may provide you with any item of value that is not more than \$10 (such as a pen, mug, or inexpensive baseball cap), provided that the annual aggregate of such items from a single source is \$50 or less. Conn. Gen. Stat. § 1-79 (e) (16).
- *Food and Beverage* – Restricted donors may also provide you with less than \$50 worth of food and beverage in a calendar year, provided that the donor or his/her representative is in attendance when you consume the food and/or beverage. Conn. Gen. Stat. § 1-79 (e) (9).
- *Charitable Events and Legislative Receptions* – Legislators attending in their official capacity may accept admission to a charitable or civic event, including food and beverage provided at that event (but not travel/lodging), provided admission is paid for by the event's primary sponsoring entity. Conn. Gen. Stat. § 1-79 (e) (14). Refer to page 13 of this guide for detailed information regarding the similar exception for legislative receptions sponsored by lobbyists.

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- *Other Exceptions* – There are a total of 17 separate gift exceptions in the Code. Also exempt from the definition of gift are items such as informational materials germane to state action, ceremonial plaques or awards costing less than \$100, or promotional items, rebates or discounts also available to the general public. See Conn. Gen. Stat. § 1-79 (e) (1) – (17).

Note: Registered lobbyists are the only restricted donors who may make use of the “major life event” gift exception. Other restricted donors *may not* make use of this exception. There is a \$1,000 limit on a gift a registered lobbyist gives to you or a member of your family for the following major life events:

- Birth or adoption of a child;
- Wedding;
- Funeral;
- Ceremony commemorating induction into religious adulthood (e.g., bar mitzvah or confirmation); or
- Retirement from state service.

This list of major life events is exhaustive. Regs., Conn. State Agencies § 1-92-53.

Non-restricted Donors

Besides restricted donors outlined above, the law cites two other categories of individuals or entities that may attempt to give you gifts. These other “gift-givers” include:

- *Non-restricted donors giving you something because of your state position* – If a gift-giver does not fall within the definition of a restricted donor, but is nonetheless giving you something because of your public position, you should be aware that a dollar limit exists. From this type of donor, you may only accept up to \$100 annually from a single source, in addition to any of the items listed in the 17 gift exceptions noted above and set forth in Conn. Gen. Stat. § 1-79 (e) (1) – (17).
- *Non-restricted donors giving you something that has nothing to do with your state job* – There is no limit as to what you may accept from a non-restricted donor, such as your neighbor of 20 years or a best friend from kindergarten, who is giving you a gift that has nothing to do with your public position. This holds true as long as the donor remains non-restricted. Should this individual become a registered lobbyist, for example, the gift provisions regarding restricted donors would apply, regardless of any longstanding personal relationship.

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Necessary Expenses

You may receive payment or reimbursement for necessary expenses from restricted donors *only* if you, in your official capacity, actively participate in an event; for example by giving a speech or presentation, or running a workshop.

Necessary expenses are limited to:

- Travel (not first class);
- Lodging (standard cost of room for the nights before, of, and immediately following the event);
- Meals; and
- Related conference expenses.

Conn. Gen. Stat. § 1-79 (9).

Entertainment costs (tickets to sporting events, golf outings, night clubs, etc.) are *not* necessary expenses. Necessary expense payments also *do not* include payment of expenses for family members or other guests.

Within 30 days of receiving payment or reimbursement of necessary expenses for lodging or out-of-state travel, as a legislator, you must file an ETH-NE form with the OSE. A new, online form is available on the OSE's Web site for your convenience. Conn. Gen. Stat. § 1-84 (k). This form is not required if your necessary expenses were paid by the federal government or by another state government.

FORM ETH-NE	
STATE OF CONNECTICUT Office of State Ethics 18-20 Trinity Street Hartford, CT 06106-1660 Tel: (860) 566-4472	
REPORT OF NECESSARY EXPENSES RECEIVED BY A PUBLIC OFFICIAL OR STATE EMPLOYEE (SEE Conn. Gen. Stat. §1-84(k))	
PLEASE TYPE THIS FORM IN THE FIELDS PROVIDED. HANDWRITTEN FORMS ARE INCOMPATIBLE WITH OUR SYSTEM.	
WHAT ARE "NECESSARY EXPENSES" - Necessary expenses are a public official's or state employee's expenses for an article, appearance or speech or for participation at an event, in his or her official capacity, and are limited to necessary travel expenses, lodging for the nights before, of and after the appearance, speech or event, meals and any related conference or seminar registration fees. (See Conn. Gen. Stat. §1-79(q))	
WHO FILES - Any public official or state employee who receives payment or reimbursement of necessary expenses for LODGING and/or OUT-OF-STATE TRAVEL, unless the payment or reimbursement was provided by the state of Connecticut, another state government, or the federal government.	
WHEN TO FILE - Within 30 days of receiving a reportable payment or reimbursement.	
IMPORTANT! If, intentionally or due to gross negligence, a public official or state employee does not timely file a required report of the payment or reimbursement of necessary expenses, he or she shall be required to return the payment or reimbursement, and may be subject to a civil penalty of up to \$2,000.	
WHERE TO FILE - Office of State Ethics, 18-20 Trinity Street, Hartford, CT 06106-1660	
Your Name:	Your Title/Agency:
Name of Person or Entity Paying or Reimbursing Expenses:	
Date of Receipt of Payment/Reimbursement:	
Description, Location of Event (include dates):	
Description of Official Activity (i.e., article, appearance, speech or active participation - as opposed to mere attendance):	
Lodging and/or Out-of-State Travel Expense(s) for Which Payment or Reimbursement was Received (include dollar amounts, if known):	
I DO HEREBY CERTIFY under penalty of false statement that I make this report in accordance with the requirements of Conn. Gen. Stat. §1-84(k), and that this report contains all the information required by such statute.	
X _____ (Signature of Public Official/State Employee)	_____ (Date)

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Fees/Honorariums

As a public official, you may *not* accept fees or honorariums for articles, appearances, speeches or participation at events in your official capacity.



Fees or honorariums for such activities, if offered based solely on your expertise and without any regard to your official capacity, may be acceptable. Contact the OSE if you are offered such payment. Conn. Gen. Stat. § 1-84 (k).

Necessary Expenses, Fees and Honorariums

Example: As a State Senator, you are invited to travel to New York City to give the keynote address to a trade association at its annual meeting. You will be speaking in your official capacity as an office holder. The association provides Amtrak fare for you and your spouse, who will spend the day in the city. The evening of the speech, you and your spouse are treated by the event organizer to a Broadway show in lieu of a speaking fee.

You may receive reimbursement for your travel only if you are actively participating in an event. In this case, you may only accept Amtrak fare for yourself, not your spouse. Entertainment costs, such as tickets to a show, are not considered necessary expenses and may not be accepted. Additionally, legislators may not accept fees or honorariums for a speech given in their official capacity. Because your trip involves out-of-state travel, you must file an ETH-NE form with the OSE within 30 days of receiving payment.

EMPLOYMENT RESTRICTIONS

Post-state Employment (Revolving Door)

If you are a *former* legislator seeking employment, you should be aware of the Code's post-state employment, or revolving-door, provisions.



Lifetime Ban

- You may **never** disclose any confidential information you learned during the course of your public service for anyone's financial gain. Conn. Gen. Stat. § 1-84a.

One-year Bans

- You are prohibited from being hired for a period of **one year** after you leave state service by a party to a state contract valued at \$50,000 or more if you were substantially involved in, or supervised, the negotiation or award of that contract and it was signed within your last year of state service. Conn. Gen. Stat. § 1-84b (f).
- No legislator may engage in the profession of lobbyist until **one year** after the conclusion of his or her term. Conn. Gen. Stat. § 2-16a. (This provision is outside of OSE's jurisdiction.)

Post-state Employment with a Party to a Contract

Example: You participated in drafting the RFP that resulted in an award of a contract of \$150,000 to Vendor X. The contract was signed in February of 2008. You leave the General Assembly in May of 2010. You have been offered a lucrative job with Vendor X.

Previous ethics commission opinions considered drafting RFP language to be "substantially involved" in the negotiation or award of a contract. You may, however, immediately accept employment with Vendor X because the contract was not signed in your last year of state service.

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Outside Employment

If you are a *current* legislator seeking outside employment, especially from an employer that is regulated by or does business with the legislative branch, you should be aware of the following rules regarding the employment of current public officials:

- You may not accept outside employment that impairs your independence of judgment regarding your state duties, or that encourages you to disclose confidential information learned in your job. Conn. Gen. Stat. § 1-84 (b).
- You may not use your position for your own financial gain or the gain of your family (spouse, child, child's spouse, parent, brother or sister) or an associated business, however inadvertent that use may be. Conn. Gen. Stat. § 1-84 (c).
- You may be aware that state employees and other public officials may not accept employment for compensation with an entity that represents others before the following 13 agencies: State Insurance and Risk Management Board, Claims Commissioner, Office of Health Care Access, Insurance Department, Department of Environmental Protection, Department of Public Utility Control, Department of Banking, Department of Consumer Protection: liquor control, Department of Motor Vehicles, Gaming Policy Board, Division of Special Revenue, Connecticut Real Estate Commission, Connecticut Siting Council. Conn. Gen. Stat. § 1-84 (d).
 - **Note: This provision does not apply to legislators.** A legislator, officer of the General Assembly, or part-time legislative employee *may* accept employment with a firm which represents clients before these agencies, provided the individual *takes no part in the representation and receives no compensation as a result of such representation.*
- You may not utilize state time, materials or personnel in completing tasks for outside employment (including using time, materials or personnel for campaign activities).

Outside Employment

Example: As a practicing attorney in Connecticut, you belong to a law firm that is in the business of representing others before the Claims Commissioner. You have heard that this type of work is not permissible for public officials and are wondering if you need to resign, now that you are an elected State Representative.

An exception exists for the provision in question (§1-84 (d)) for members of the General Assembly (as well as GA officers and some legislative employees). As a State Representative, you may keep your position with your law firm, so long as you personally do not take part in representation before the Claims Commissioner (or any other of the named 13 agencies) and receive no compensation as a result of such representation.

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It is important to note that the Constitution of the State of Connecticut, Article III, Section 11, prohibits General Assembly members from accepting any appointive position or office in the judicial or executive branch of state government (as well as in state courts or in any county government) during his/her elected term.

STATEMENTS OF FINANCIAL INTERESTS

Statements of Financial Interests

Legislators, as well as certain other public officials and senior state employees, must file Statements of Financial Interests (SFIs) with the OSE by May 1 each year. These statements describe businesses with which you are associated; the category or type (not amount) of all sources of income over \$1,000; securities in excess of \$5,000; real estate holdings; and leases or contracts with the state. A *confidential* portion of the statement requires disclosure of sources of any debts over \$10,000. (The confidentiality of this portion may be waived.) These examples are not exhaustive; refer to Conn. Gen. Stat. §1-83 (b) for a complete list.

The SFIs serve two purposes. First, the financial disclosure provides a checklist or reminder to you to be mindful of potential conflicts of interest.

Second, the financial disclosure statements serve a transparency function and maximize public confidence in governmental decision making.

In 2009, the OSE debuted a new online filing system for the SFIs. Within the secure, password-protected system, your information is stored year to year for maximum ease and efficiency in filing. OSE staff members are present in the LOB-Capitol Concourse at least twice each spring prior to the SFI filing deadline to answer any filing questions you may have. OSE staff members are also available every business day to provide assistance.

State of Connecticut
Office of State Ethics
18-20 Trinity Street
Hartford, CT 06106-1660

ANNUAL STATEMENT OF FINANCIAL INTERESTS
For calendar year 2006

GENERAL NOTICE TO FILERS

- Instructions for each section are contained at the beginning of each section. Fill in each section with the information required. If you need additional fields or pages, please photocopy the appropriate pages and attach them to this form.
- In addition to this form, you also must complete the Confidential Addendum (Form ETH-3A). If you did not receive a Confidential Addendum with this form, please contact the Office of State Ethics for a copy.
- Under Connecticut General Statutes, Section 1-83, a person who, at any time during 2006 or during 2007 prior to March 31, occupies a position in state government which requires the filing of a Statement of Financial Interests for calendar year 2006 shall do so on or before May 1, 2007. In addition, any person assuming such position after March 31, 2007, shall file a Statement of Financial Interests for calendar year 2006 within 30 days of assuming such position. Each individual filer is required to provide information about themselves, their spouse, and dependent children who reside in the individual's household.
- A person who leaves a position which requires the filing of a Statement of Financial Interests, within thirty days of his or her departure, will be notified by the Office of State Ethics of the requirement to file a Statement of Financial Interests for the portion of the calendar year served. Such person must file the statement within 60 days after receipt of notification from the Office of State Ethics.
- Under Connecticut General Statutes, Section 1-83(d), any individual who is unable to provide information by reason of impossibility may petition the board for a waiver of the requirements.

1. Filer's Personal Information:

First Name:

Middle Initial:

Last Name:

State of Connecticut Phone: ext.:

State of Connecticut E-mail:

ETH-3
Revised 12/06
Conn. Gen. Stat. §1-83
Reg. Conn. State Agencies 11-89-2 ed. 1/06

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LEGISLATIVE RECEPTIONS

You'll remember from the gift exceptions on page 6 of this guide that you may accept admission to a legislative reception, including up to \$49.99 in food and beverage provided at the reception. Any associated travel and lodging are not part of this exception, and may not be accepted.



What are Legislative Receptions? (Conn. Gen. Stat. § 1-79 (e) (10), (11).)

- General Assembly members may attend a legislative reception held by a registered lobbyist, per the gift exceptions discussed earlier in this guide.
- There are two types of legislative receptions. It is important for you to understand that lobbyists may choose to hold *one or the other* per calendar year – not both.
- The first type is a publicly-noticed legislative reception to which all members of the General Assembly are invited.
 - This is permitted (for the sponsoring entity) once per calendar year.
 - Cost to the sponsoring lobbyist may not exceed \$49.99 per person in food and beverage.
- The second type is a publicly-noticed regional reception to which all General Assembly members from a particular region in the state are invited.
 - This is permitted (for the sponsoring entity) once per calendar year.
 - Cost to the lobbyist may not exceed \$49.99 per person in food and beverage.
 - Note: This is for a regional group hosting a regional reception. A state-wide organization cannot host two receptions (one regional and one state-wide) in a year.

Associated Notification Requirements (Conn. Gen. Stat. § 1-96d.)

- If a lobbyist knows that a legislative reception will result in itemization on his/her financial filings per the requirements in Conn. Gen. Stat. § 1-96 (e) (i.e., \$30 or more per person), the lobbyist must:
 - Include on the invitation or published notice that the event is expected to be reportable as such. Be on the lookout for this proper notification.

ENFORCEMENT

Procedures and Penalties

Enforcement of the Code is initiated by a complaint, filed by the Ethics Enforcement Officer or any member of the public. In most cases, a complaint by the Ethics Enforcement Officer is preceded by a confidential staff evaluation.

A two-stage process follows:

1. Confidential investigation and confidential probable cause hearing; and
2. If probable cause is found, a public hearing to determine if a violation has occurred.

At any stage of this process, the Office of State Ethics and the Respondent may negotiate a settlement.

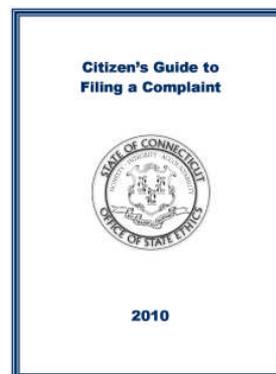
After a finding or admission of a violation, the Citizen's Ethics Advisory Board ("Board") can order the Respondent to comply with the Code in the future, file any required report or statement, and/or pay a civil penalty.

For failure to file a report, statement, or other information required by the Code, the Board can, after a single hearing, impose a civil penalty of up to \$10 per day, for which the aggregate penalty for any one violation may not exceed \$10,000.

The Office of State Ethics may refer matters to the Chief State's Attorney for criminal prosecution. An intentional violation of the Code is a misdemeanor for the first violation, unless the individual has derived a financial benefit of at least \$1,000. In that case, the violation is a class D felony.

The Attorney General may sue for up to three times the economic gain received through knowingly committing or knowingly profiting from a violation of the Code.

Legislators are encouraged to review the "*Citizen's Guide to Filing a Complaint*," available on the OSE's Web site, for a detailed overview of the complaint process and associated confidentiality provisions.



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LOBBYIST DEFINITION AND IDENTIFICATION

Lobbyist includes any person who either spends or receives \$2,000 or more in a calendar year to communicate with, or to solicit others to communicate with any official or his or her staff in the legislative or executive branch, or in a quasi-public agency, in an effort to influence legislative or administrative action.

Lobbyists must register with the OSE. Once properly registered, lobbyists are provided with *distinguishing badges* (a sample 2009/10 badge is shown below). Lobbyists must wear these badges while they are engaged in lobbying. Conn. Gen. Stat. § 1-101.



LOBBYIST POLITICAL CONTRIBUTION BANS

Permanent Ban for Communicator Lobbyists (Conn. Gen. Stat. § 9-610 (g) and (h).)

Registered communicator lobbyists, their affiliated political action committees (PACs) as well as members of their immediate families are banned from soliciting or donating political campaign contributions. Please contact the State Elections Enforcement Commission at 860-256-2940 for more information.

Sessional Ban for Client Lobbyists (Conn. Gen. Stat. § 9-610 (e).)

Registered lobbyists and their affiliated political action committees (PACs) are banned from soliciting or donating political campaign contributions. Specifically, there is a temporary ban while the General Assembly is in session that applies to all registered client lobbyists and their affiliated PACs. Please contact the State Elections Enforcement Commission at 860-256-2940 for more information.

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EDUCATION

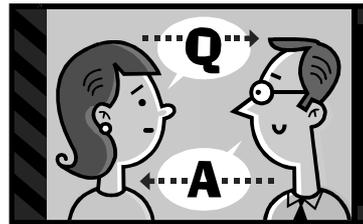
Public Act 08-03, Section 8 requires the OSE to establish and administer a training program on the Code of Ethics and to provide training to new legislators. Additionally, the Act requires the OSE to provide training to all members of the General Assembly every four years, unless there is significant revision to the ethics code, in which case interim trainings may be scheduled as determined by the Joint Committee on Legislative Management.

The Office of State Ethics is ready and available to provide training and to assist you with questions regarding the Code of Ethics. The OSE provides in-person training to approximately 3,000 individuals annually. In addition, the agency offers free training DVDs as well as a number of resources available on its Web site including an interactive, online training program, web-streaming video, presentations, plain-language guides, and handouts on specific topic areas.

In 2010, OSE staff members will be available in the LOB-Capitol Concourse at various times (specifics will be noticed in the Bulletin) to assist legislators in person with any ethics questions.

FOR MORE INFORMATION

This guide provides general information only. The descriptions of the law and the OSE in this guide are not intended to be exhaustive. For more information regarding the Code of Ethics as it pertains to legislators, please contact the Office of State Ethics, Monday – Friday, 8:30 a.m. to 5:00 p.m.



Office of State Ethics
18-20 Trinity Street, Suite 205
Hartford, CT 06106-1660

T: 860/263-2400
F: 860/263-2402
www.ct.gov/ethics

Specific Contacts:

Questions or advice regarding the Ethics Codes: Ethics.Code@ct.gov
Lobbyist filing/reporting questions: lobbyist.OSE@ct.gov
Public official filing/reporting questions: SFL.OSE@ct.gov
Enforcement questions: Ethics.Enforcement@ct.gov
All other inquiries: ose@ct.gov

January 2010