

November 22, 2011

Introduction

My name is Nancy Nicolescu and I am the new contact person for liaisons and compliance officers at the Office of State Ethics. I joined the OSE on Friday, November 18th as the Director of Education and Communications. Previously, I was with the State Elections Enforcement Commission and I began my career at the Department of Public Health. I look forward to getting to know each of you. Please call me if you have any questions or concerns. My direct number is 860-263-2397.

Advisory Opinion Update

On November 17, 2011 the Citizen's Ethics Advisory Board met and decided on an opinion, summarized below. Click on the AO number to read the full text of the opinion.

[ADVISORY OPINION NO. 2011-4](#), Application of the Code to Commissioner of the Department of Energy and Environmental Protection (1) Petitioner may take official action as to entities with which he had, but no longer has, a financial relationship; (2) besides the bribery prohibition, there are no constraints on contributions his wife's campaign may receive, nor is he constrained by those contributions; (3) he was entitled to accept an honorarium for his Cleveland speech given that he used personal time and was invited by virtue of his expertise; and (4) he may continue to play a role in the consulting firm with an eye toward ending his connection with it, provided that he abides by the conflict provisions.

The Holiday Season and Gifts

The holiday season is a good time to remember that certain gifts to state employees are generally not acceptable.

What are the state gift rules?

As a public official or state employee, there are rules in place regarding accepting gifts from both restricted and non-restricted donors. A gift is defined as anything of value that you (or in certain circumstances a member of your family) directly and personally receive unless you provide consideration of equal or greater value (e.g., pay for the item).

Restricted Donors

In general, you may not accept gifts from restricted donors. Restricted donors include registered lobbyists; individuals or entities doing business with your state department or agency; individuals or entities seeking to do business with your state department or agency; individuals or entities engaged in activities regulated by your state department or agency; or contractors pre-qualified by the Connecticut Department of Administrative Services. There are certain exceptions that may apply, such as token items valued at \$10 or less.

Non-restricted Donors

Besides the restricted donors outlined above, the law addresses gifts from two other categories of individuals: non-restricted donors giving you something because of who you are in state service and non-restricted donors giving you something that has nothing to do with your state service. If a gift is from someone who does not fall within the definition of a restricted donor, but is nonetheless giving you something because of your public position, you may only accept up to \$100 annually from that donor, in addition to any of the items listed in the various gift exceptions. There is no limit as to what you may accept from a non-restricted donor who is giving you a gift that has nothing to do with your state service, such as your neighbor of 20 years or a best friend from kindergarten.

A vendor that frequently does business with our agency just sent a large fruit basket to our office as a holiday gift. May we accept it or do we need to send it back?

A fruit or gift basket (valued at more than \$10), while not acceptable if given to one person alone, may be accepted on behalf of an entire agency or division if the per person cost will be reduced to less than \$10. This makes the gift comport with the gift exception for token items of \$10 or less per person.

I would really like to give my boss a nice gift. Are there any limits on the amount I can spend?

Yes. The Code of Ethics limits gifts between supervisors and subordinates, up and down the chain of command. Your boss may accept a gift from you costing \$99.99 or less. Conversely, you may accept a gift from your supervisor that costs \$99.99 or less. Note that pooling money by supervisors or subordinates to give a gift beyond this limit is not permitted, except in the case of a major life event.

* * *

Happy Holidays!

Nancy S. Nicolescu
Director of Education and Communications
Office of State Ethics
nancy.nicolescu@ct.gov