

OSE NEWS JUNE 2015

Office of State Ethics Frequently Asked Question

Revolving Door Provision

I am contemplating leaving state service. May I discuss potential job opportunities with a private entity before leaving my state job?

Generally, when a state employee is in “active pursuit” of a particular job opportunity, he or she must have nothing to do with the potential employer’s state business, if any. “Active pursuit” of a job is the point at which the state employee is scheduled for an interview with the potential employer. If a state employee is in active pursuit of a job opportunity with an entity that has business before the employee at his/her agency: (1) the employee must notify an immediate supervisor in writing of the potential conflict of interest; and (2) the supervisor must refer the matter to someone at or above his or her level.

Note that once a state employee leaves state service, the revolving-door provisions apply.

However, additional restrictions apply to public officials and state employees who exercise significant decision-making or supervisory authority in certain state regulatory agencies. These individuals must not negotiate for, seek or accept employment with any business subject to regulation by the individual’s agency. See the Regulations of Connecticut State Agencies §§ 1-92-40 and 1-92-40a.

Read: [Advisory Opinion No. 2015-2](#) **Application of the Code of Ethics to Post State Employment**

Recent Enforcement Actions

Docket No. 2014-43: In the Matter of Amisha Desai. On June 29, 2015, the Office of State Ethics and the Respondent entered into a Stipulation and Consent Order settling allegations of violations of the Code of Ethics, General Statutes § 1-84 (c). Under this section of the Code, a public official or state employee is prohibited from using their state position to obtain personal financial gain. The complaint alleged that from 2010 through 2014, the Respondent owned and operated several private businesses, including two restaurants, one liquor store and one hotel. During that time period, the Respondent utilized state resources, including her state-issued computer, state-provided e-mail account and state phone, in order to conduct her private businesses. Under the terms of the Stipulation and Consent Order, the Respondent agreed to pay a civil penalty of \$3,000.

Docket No. 2014-21: In the Matter of James Liss. On June 18, 2015, the Office of State Ethics and the Respondent entered into a Consent Order settling allegations of violations of the Code of Ethics, General Statutes § 1-84 (c) which prohibits a state employee from using his position to obtain financial gain for himself. The respondent also violated 1-84 (q) that provides that no state employee shall intentionally counsel, authorize or otherwise sanction action that violates the Code. The Respondent violated the use-of-office provisions by using his access to state gasoline for personal use, directing subordinates to gather scrap metal belonging to the state, among other violations. Under the terms of the Consent Order, the Respondent agreed to pay a civil penalty of \$5,500.

Docket No. 2014-06: In the Matter of Craig J. Lubitski Consulting LLC. On April 10, 2015, the Office of State Ethics and the Respondent entered into a Consent Order settling allegations of violations of the Code of Ethics, General Statutes § 1-86e (b). Under this section of the Code, a state contractor is prevented from using confidential information gained in the performance of the contract for its own financial gain. The Citizen's Ethics Advisory Board imposed a penalty of \$10,000.

Declaratory Ruling Update

Declaratory Rulings are formal opinions, interpreting the Codes of Ethics, they are issued by the Citizen's Ethics Advisory Board upon the request of any person who is *not* subject to the Codes of Ethics.

Declaratory Ruling 2015-A Procedure/Jurisdiction and Consultants and Independent Contractors

The Citizen's Ethics Advisory Board concluded that guardians ad litem appointed by the court in family-relations matters are not subject to the Code of Ethics for Public Officials, because they are not "public official[s]," as defined in General Statutes § 1-79 (11), "state employee[s]," as defined in § 1-79 (13), or "person[s] hired by the state as . . . independent contractor[s]," as set forth in General Statutes § 1-86e.

Declaratory Ruling 2015-B Definition of "Public official" and Application of the Code of Ethics to Members of Certain Committees and Boards

The Citizen's Ethics Advisory Board concluded that members of the Healthcare Innovation Steering Committee, its subcommittees, and the Consumer Advisory Board are not subject to the Code of Ethics for Public Officials.

Declaratory Ruling 2015-C (1) Voting on the Appointment or Reappointment of the Chief Justice of the Supreme Court (2) Legislative Action by an Attorney/Legislator on Legislation that Relates to Outside Employment

The Citizen's Ethics Advisory Board concluded that (1) that an attorney/legislator may take part in the appointment or reappointment of the Chief Justice of the Supreme Court, unless he or she has a case pending before that court; and (2) that an attorney/legislator who practices in family court or serves as a guardian ad litem may take official action on House Bill No. 5505, 2015 Sess., titled "An Act Concerning Family Court Proceedings," or any subsequent proposed legislation with identical language.

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