

February 1, 2010

ADVISORY OPINIONS

On January 28, the Citizen's Ethics Advisory Board met and decided on one new opinion, summarized below. Click on the AO number to read the full text of the opinion.

[AO 2010-1](#), Application of the Code of Ethics to a Former Department of Public Health (DPH) Employee and a DPH Advisory Committee

The Citizen's Ethics Advisory Board concluded that an advisor to a proprietary leaching system company (who is not a state employee) may serve on the Subsurface Code Advisory Committee, as Committee members are not "public officials" solely by virtue of membership, and thus not subject to the ethics code. Additionally, a former DPH employee (a state retiree of more than seven years) may contact DPH staff and recommend changes to DPH technical standards, even though he was involved in drafting them while at DPH, because those standards are not considered a "particular matter" under the revolving-door provisions.

Ethics Training

Ethics liaisons and compliance officers have certain [statutory duties](#) regarding the coordination of ethics training annually for certain agency personnel. Please remember that the OSE is available to come to your agency and conduct in-person training free of charge. Start the New Year off on the right foot, and schedule your agency's ethics training now! Simply use the new [online request form](#), which will help us tailor the training to your specific needs or interests.

We look forward to seeing as many agencies as possible in 2010!

FAQ of the Month

Q: I'm noticing a number of my state-employee colleagues running for municipal office such as Town Council Member, Board of Education Member, Mayor, etc. Is this permissible under the Code of Ethics?

A: The Code of Ethics does not prohibit a state employee from running for or holding a municipal office. The OSE's Regulations do, however, contain restrictions from the State Personnel Act. This Act states that holding municipal office would be impermissible under certain circumstances, specifically:

Sec. 5-266a-1. Conflicts of Interests

(a) There is a conflict of interests which precludes a person in State service from holding or continuing to hold elective municipal office when one or more of the following applies:

(1) The Constitution or a provision of the General Statutes prohibits a classified State employee or a person employed in the Judicial Department from seeking or holding the municipal office.

(2) The classified State employee has an office or position which has discretionary power to:

(A) Remove the incumbent of the municipal office;

(B) Approve the accounts or actions of the municipal office;

(C) Institute or recommend actions for penalties against the incumbent of the municipal office incident to the incumbent's election or performance of the duties of said office;

(D) Regulate the emoluments of the municipal office;

(E) Affect any grants or subsidies, administered by the State, for which the municipality in which the municipal office would be held is eligible.

Best regards,

Meredith Trimble