

February 28, 2007

New Advisory Opinions

On February 27, 2007, the Citizen's Ethics Advisory Board met and decided on two new advisory opinions, summarized below. Click on the AO number to read the full text of the opinion.

2007-4, Outside Employment Scenarios of DOT Employees

It is permissible for certain DOT employees to engage in certain specific outside employment activities, as described in detail in the opinion, if the prescribed restrictions are followed. Essentially, the focus in outside employment cases is whether a state employee is in a position to influence his private employer's business relationship with the employee's agency, and/or whether the agency employee has had any input in the contract development, contract award or contract administration process involving the private employer. The opinion also notes that individual state agencies are permitted to be more restrictive in implementing their internal ethics policies, including outside employment provisions, (as was the case with the DOT), so long as no other laws are violated.

2007-5, Further Interpretation of § 1-84 (p)

In Advisory Opinion 2006-6, the Citizen's Ethics Advisory Board interpreted § 1-84 (p) to mean that subordinates and supervisors up and down the chain of command have a \$99.99 per gift limit when giving items to each other. (These individuals may also make use of the major-life-event exception, when applicable.) In this opinion, the Board concluded that supervisors and/or subordinates may not pool their money to give a collective or group gift valued in excess of the \$99.99 limit. Thus, except in the case of a major life event, it would be a violation for Supervisor A to accept a gift valued at \$150 from Subordinates X and Y (and for them to give such a gift), even though the individual contributions of X and Y are less than the \$99.99 limit established in 1-84 (p).

FAQ – Definition of "Immediate Family," Specifically In-laws

Many people are wondering, for the purposes of the gift provisions, what, exactly, is meant by "immediate family." People are specifically wondering if in-laws "count."

As you know, 1-84 (j) bans gifts from lobbyists (a type of regulated donor). The language states that no public official, state employee, candidate for public office, or *any member of such person's staff or "immediate family"* shall accept a gift from a person known to be a registrant or someone acting on behalf of a registrant.

"Immediate family" as it appears above is defined in 1-79(f) as "spouse, children or dependent relatives who reside in the individual's household."

Therefore, only in the instance where in-laws are a) dependent AND b) residing in the household would such in-laws be considered "immediate family" and therefore banned from accepting gifts from lobbyists.

Sincerely,

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