

February 29, 2008

New Advisory Opinions

On December 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.

2007-15, Application of the Code of Ethics for Lobbyists to Registration and Reporting Requirements of Non-Profit Organizations

The Citizen's Ethics Advisory Board concluded as follows:

1. To qualify as "bona fide members" for purposes of General Statutes § 1-91 (f), individuals on a mailing list or an e-mail list must affirmatively accept the membership organization's invitation to become a member and satisfy one of three other requirements.
2. For purposes of § 1-91 (f), only expenses incurred for communications made to members by way of "published" materials are exempt from reporting. In addition, the staff person of a client lobbyist who communicates with members in ways other than by "published" materials must count compensation received for the time spent communicating towards the \$2,000 lobbyist registration threshold.
3. Where the staff person of a non-profit who primarily conducts grassroots activities (e.g., soliciting others to contact their legislators) goes to the capitol to testify about a particular issue, the client must report compensation paid for the individual's time spent testifying and the time spent in preparation, and the individual must register as a lobbyist if he/she reaches the \$2,000 threshold.
4. The time spent participating on a legislative task force up until the release of the task force report is not considered reportable lobbying activity and does not count towards the \$2,000 lobbying threshold. Nonetheless, any subsequent activity to encourage or discourage legislative action on the task force recommendation is considered lobbying. Any compensation paid/received for the time spent engaging in such activity must be reported by lobbyists and counts towards the registration threshold for anyone not currently registered as a lobbyist.

2007-16, Definition of "Department Heads" for Purposes of General Statutes § 1-83 (a) (1)

The Citizen's Ethics Advisory Board concluded that, for purposes of General Statutes § 1-83 (a) (1)—which requires "department heads" (and others) to file annual Statements of Financial Interests—the term "department heads" means those individuals listed in General Statutes § 4-5.

On February 21, 2008, the Citizen's Ethics Advisory Board approved one new advisory opinion, summarized below. Click on the AO number to read the full text of this opinion.

2008-1, Application of Revolving Door Provisions to Judicial Branch Employees

In Advisory Opinion 2008-1, the Citizen's Ethics Advisory Board concluded that the only revolving door provisions in the Code of Ethics for Public Officials that apply to judicial branch officials and employees are subsections (f) and (j) of section 1-84b. Those revolving door provisions would not prohibit grievance counsel for a grievance panel, who was appointed and served pursuant to Practice Book § 2-30, from appearing before the Statewide Grievance Committee within one year of leaving that position.

Recent revisions to OSE's "Necessary Expenses" handout reflect revisions to the Code of Ethics that may affect permissible conduct when free attendance at a conference or event is offered by a regulated donor. See relevant excerpts below:

- Public Act 07-1 amended Connecticut General Statutes § 1-79 (e) (5), the so-called "gift to the state" provision, which no longer permits "gifts to the state" that support "the participation by a public official or state employee at an event . . ." Please see Advisory Opinion No. 2007-12 for a full explanation of the impact of this change.
- The exception now reads as follows: "Goods or services (A) which are provided to a state agency or quasi-public agency (i) for use on state or quasi-public agency property, or (ii) that support an event, and (B) which facilitate state or quasi-public agency action or functions"
- Connecticut General Statutes § 1-84 (k) states that if neither lodging nor out-of-state travel is provided, there is no necessity to submit an ETH-NE filing.
- When necessary expenses are provided by the federal government or by another state government, the ETH-NE filing is not required.

Question of the Month

"According to the Code, gifts without any limitation may be given between friends. However, if you are a state worker and your friend becomes a regulated donor, then the gift limitations kick in. With respect to a spouse who becomes a regulated donor, there continues to be no limitation. My question is to what degree of kinship may family members receive gifts without limitations?"

Answer: This is addressed by one of the gift exceptions, which reads: A gift received from an individual's spouse, fiancé or fiancée, the parent, brother or sister of such spouse or such individual, or the child of such individual or the spouse of such child. General Statutes § 1-79 (e) (4).

Welcome Back Meredith

Meredith Trimble will return to the Office of State Ethics on Monday, March 3, 2008. Please feel free to contact her by telephone or e-mail with your requests for in-person training, as well as other questions or concerns. Meredith will not be in the office on Tuesdays or Fridays, so if you have an urgent concern or request on these days you can continue to contact Diane Buxo, Paralegal, at: 860-566-4472 x431; diane.buxo@ct.gov.

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