

CONNECTICUT OFFICE OF STATE ETHICS

**REPORT TO THE
GOVERNOR**



Submitted April 13, 2007

I. Introduction.

The Office of State Ethics (OSE) submits this report in accordance with Connecticut General Statutes Section 1-81(a)(6). Because our statute contains a similar provision at section 1-92(f), requiring an identical report on or before February 15 of each year, we have attached the February report and, so as not to be redundant, will note only that which is new to the agency since this last reporting period.

II. Staffing.

This month, the OSE added a managerial-level Human Resources Specialist. This individual has over 20 years of experience in state service and will be a positive addition to the agency's administrative capacity. We are working diligently to fill the two final positions that remain open.

III. Education.

From January through April 2007, the OSE conducted 12 in-person trainings for state agencies and other interested groups. Of particular note are the trainings conducted for the new members of the legislature, the staffs of the offices of the Governor and Lieutenant Governor, and state-wide agency commissioners. We have reached over 600 individuals in person in just four month's time.

An exciting new development is the online training module that was completed at the beginning of April 2007. This comprehensive, online training will allow any state employee to interactively learn the main points of Part I of the Code of Ethics at his or her convenience. The online training includes a tracking mechanism (printable

certificate) by which agency ethics liaisons or compliance officers can verify who in their agencies has completed the training. The training, which includes a greeting message from Governor Rell, takes approximately 40 minutes to complete and contains quiz questions throughout the module so participants must carefully consider and think through the various applications of each section before moving on. We anticipate that this online training will be exceedingly well-received at the agency level.

Finally, we are pleased to report that, in concert with the Office of the Governor, the OSE rolled out its first “Are You Lobbying?” campaign. The campaign consists of colorful, informative posters and desk cards that convey the definition of a lobbyist and note that those who meet that definition must register with the OSE. These desk cards and posters were sent with a cover letter from the Governor to all agency commissioners. It is our hope that many people who may have been unknowingly lobbying – particularly those engaged in administrative lobbying – will be informed of their registration requirements.

IV. Advisory Opinions.

The Citizen’s Ethics Advisory Board has approved six advisory opinions thus far in 2007. These opinions are summarized as follows:

Advisory Opinion No. 2007-1, Reconsideration of Advisory Opinion 1997-20, Regarding § 1-84 (o)

The Citizen’s Ethics Advisory Board concluded that: (a) the reporting requirement in § 1-84 (o) applies to any person regulated by, doing business with, or seeking to do business with a department or agency and not only to registered client lobbyists; and (b) that § 1-97 (d) applies to both registered client and communicator lobbyists. The Board also concluded that, for the purposes of § 1-84 (o), the determination of who is an executive head of an agency varies. Those agencies with questions as to their agency head should contact the Office of State Ethics. This opinion supersedes 1997-20.

Advisory Opinion No. 2007-2, Application of Section 1-84 (m) to the Judicial Branch

It is the opinion of the Citizen's Ethics Advisory Board that, for purposes of § 1-84 (m), attorneys admitted to practice law in the state of Connecticut are "directly regulated" by the Superior Court. Additionally, the Judicial Department and its components constitute a single state department or agency. Thus, employees of the Judicial Department are prohibited from accepting any "gift," as defined in § 1-79 (e), from attorneys admitted to practice law in Connecticut.

Advisory Opinion No. 2007-3, Public Notice for Legislative Receptions

Registered lobbyists and business organizations are permitted to host one legislative reception per year, either a state-wide or regional event. It is the opinion of the Citizen's Ethics Advisory Board that the requirement that such legislative receptions be "publicly noticed" is satisfied by publishing the event in the Connecticut General Assembly's Bulletin. When the General Assembly is not in session, the notice requirement is satisfied by publication in the interim Bulletin if the event is taking place at the state capitol or in the Legislative Office Building. Should these options not be available, notice should be published in a newspaper, circulating either statewide or regionally, depending on the nature of the event.

Advisory Opinion No. 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, award or administration processes involving the private employer. The opinion also notes that individual state agencies are permitted to be more restrictive than the Code 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.

Advisory Opinion No. 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).

Advisory Opinion No. 2007-6, Revolving Door Application to Former State Employees Serving in More than One Agency

Section 1-84b (b) of the Code of Ethics establishes a one-year “cooling-off” period for former state employees. In essence, the revolving door provision states that former employees cannot, for one year after leaving state service, represent anyone other than the state for compensation before their former agency concerning a matter in which the state has a substantial interest. The Board concluded that, for the purposes of this provision, an individual may have more than one department or agency if, within his/her last year of service, he/she served at more than one department or agency. This holds true even if the employee did not serve at more than one agency simultaneously. For example, an employee works at Agency A, then leaves that agency and works for Agency B, then leaves state service entirely, all in the same year. In this case, both agencies A and B would be considered to be “former agencies” for the purposes of 1-84b (b).

In addition to the above, the Legal Division answers telephone questions from the regulated community daily, and has provided 179 staff opinions since January.

V. Legislative Efforts.

Prior to the beginning of the legislative session, the Citizen’s Ethics Advisory Board recommended a series of amendments to the existing codes that govern ethics in Connecticut. The proposals ranged from technical suggestions to clarify language, to substantive changes which would allow the OSE to function within its separate divisions with more efficiency and fairness, and allow for additional transparency in Government.

VI. Online Systems.

After a successful implementation of the lobbyist registration online application, the OSE turned its attention in early 2007 to the online capabilities surrounding the Statements of Financial Interests (SFIs). Our goal is for every required filer to be able to file an SFI with the OSE electronically on or before the May 1 deadline. We have also

contracted with a support technician to set up various lobbyist data reports for the general public and the media. This individual is steadily at work writing code to ensure that such lists as “Top 10 Lobbyists,” among other common data queries can be fully available by June of this year. The decision was made to place priority on the ability of the regulated community to file online, and we are working diligently to ensure that the subsequent data reports will follow in a timely and accurate manner.

VII. Conclusion

As noted in February’s report, the OSE and the Citizen’s Ethics Advisory Board worked hard to build the infrastructure of the agency in 2006. In 2007, we can turn our full attention to the substantial services of legal interpretation and enforcement.

The Board and the staff of the OSE are well aware of their responsibilities and duties under the law. They will continue to educate the regulated community about the codes; interpret and apply the codes; investigate and issue complaints for potential violations; and provide public information in the best tradition of an open, independent agency.

Respectfully submitted

Benjamin Bycel, Executive Director

Dated April 13, 2007