

Office of State Ethics Staff Opinion

This staff opinion issued by the legal division of the Office of State Ethics addresses lobbying considerations for SIPRAC attendees:

In general, any person who receives or expends \$2000 or more for lobbying or in furtherance of lobbying must register with the Office of State Ethics. The term “lobbying” is defined, in part, as “communicating directly or soliciting others to communicate with any official or his staff in the legislative or executive branch of government or in a quasi-public agency, for the purpose of influencing any legislative or administrative action” General Statutes § 1-91 (k). “Administrative action,” in turn, is defined broadly to include any action or non-action of any executive branch or quasi-public agency regarding “any . . . matter which is within the official jurisdiction or cognizance of such an agency.” General Statutes § 1-91 (a).

Historically, the former State Ethics Commission looked to the purpose of the communication to ascertain the type of lobbying. For example, it held that lobbying to affect legislative action includes not only contact with legislators and their staff, but also contact with executive branch officials and employees meant to influence their actions with regard to the legislative process. Advisory Opinion No. 95-13.

In addition, if a participant is communicating with the Department of Environmental Protection (DEP) regarding its adoption of “generic policies, analogous to rules or regulations, which affect the rights, duties or privileges of classes of persons,” then he or she is lobbying. Regs., Conn. State Agencies § 1-92-42a (c). This conclusion is not altered by the fact that DEP has sought participation by Committee members. See, e.g., Advisory Opinion No. 78-13 (noting that insurance firm is lobbying when it provides information requested by a legislative committee with the intent to influence legislative action).

Based on the facts presented, if an individual meets the threshold reporting requirements and is attending the meeting for the purpose of communicating directly or soliciting others to communicate with DEP staff for the purpose of influencing legislative or administrative action, then the individual is required to register with the Office of State Ethics.

Determining whether specific activity may constitute lobbying under the Code of Ethics for Lobbyists may involve analysis of the relevant statutory and regulatory definitions and exceptions. Thus, any individual with questions should contact the Office of State Ethics at (860) 566-4472.