

CONNECTICUT STATE ETHICS COMMISSION
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ADVISORY OPINION NUMBER 78-19

State Grants to an Organization with which a
Public Official is Associated

A legislator has asked the State Ethics Commission whether an organization which he administers may apply for a grant from a State executive department without involving the legislator in a conflict of interest. The legislator is executive director of the tax-exempt, non-profit organization and a member of its board of directors. He receives no compensation for his services, other than insurance coverage through inclusion in the organization's group medical insurance plan. Were the grant to be awarded to his organization, neither the legislator nor any member of his family would be employed in any way in the project funded by the grant.

The legislator is a public official, section 1(j) and the organization, assuming it is a business, is one with which, as a director, he is "associated", section 1(a), Public Act Number 77-600. The facts of his situation, however, reveal no interest, engagement, or obligation which would be in substantial conflict with the proper discharge of his duties as a legislator. Thus there appears to be no violation of section 6(a), Public Act Number 77-600. There should be no use or disclosure of confidential information acquired through the legislator's official position or any exploitation of his office, forbidden by sections 6(b) and 6(c), Public Act Number 77-600. The executive department to which the organization is to apply is not an agency listed in section 6(d), Public Act Number 77-600.

Were the grant to be awarded to the legislator's organization, a public contract between the organization and the executive department would be made. The process which could lead to a contract started out with a public request for proposals, soliciting applications from qualified organizations throughout the State. After a proposal is accepted, any applications may be viewed and an unsuccessful applicant may challenge the action of the committee which awarded the grant. This appears to be the "open and public process" required when a contract with the State valued at \$100 or more is entered into by a business with which a public official is associated. Section 6(i), Public Act Number 77-600.

In view of the foregoing, there seems to be no reason in the Code of Ethics for Public Officials why the legislator's organization may not apply for a grant to the executive department, and accept the grant if its application is successful.

It is not known whether the legislator will seek re-election. Should he return to the General Assembly, he may be assigned to a committee which appropriates funds for, or otherwise affects, the executive department from which his organization had sought the grant. Whether or not action on the application has been completed, it will be necessary for the legislator to be sensitive to the possibility that he may have to excuse himself from taking action, in committee or on the floor, which would affect the department. This would be to avoid any conflict of interest, real or apparent, in view of sections of Public Act Number 77-600 such as 6(b) and 6(g).

By order of the Commission,



Rev. Thomas J. Lynch
Chairman

Dated August 17, 1978