

CONNECTICUT STATE ETHICS COMMISSION
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ADVISORY OPINION NUMBER 79-11

Appearances by the Spouse of a Public
Official before a Section 1-84(d) Agency

An attorney who is the spouse of a legislator represents a municipal sewer authority. He has asked the State Ethics Commission whether his status as the spouse of a member of the General Assembly prevents him from representing his client for compensation before the Department of Environmental Protection, one of the agencies listed in section 1-84(d), General Statutes.

That section of the Code of Ethics for Public Officials provides that "[n]o public official or his employee or state employee or his employee shall agree to accept, or be in partnership with or a member of a professional corporation which partnership, or professional corporation agrees to accept, any employment, fee or other thing of value, or portion thereof, in consideration of his appearing, agreeing to appear, or taking any other action on behalf of another person before...the department of environmental protection...."

It can be seen that the prohibition does not mention a person who has no relationship to a public official other than that of spouse. The prohibition does expressly include employees of a public official. In the case of law firms, the Ethics Commission has ruled that the prohibition extends to all attorneys in a public official's firm; it is not confined just to appearances by the public official and his employees. State Ethics Commission Advisory Opinion Number 78-21, 40 Conn. L.J. No. 13, p. 11. This interpretation was based on the interpretation by the Joint Legislative Ethics Committee of the identical language in a previous statute, and legislative history making clear that the language in the superseding statute be given the same interpretation. Furthermore, the interpretation was consistent with the Code of Professional Responsibility, which sets the professional ethics standards for attorneys.

It could, perhaps, be argued that the spouse of a public official presents somewhat the same threat of undue influence upon a State agency as does a professional associate of a public official. However, the legislative history of Chapter 10, Part I, General Statutes is devoid of any indication that section 1-84(d), supra, should apply to the spouse of a public official. Nothing

in the Code of Professional Responsibility warrants such an extension. The State Ethics Commission, therefore, will not so extend the language of the statute. The spouse of a public official is not, as such, subject to the prohibition expressed in section 1-84(d), General Statutes.

By order of the Commission,

A handwritten signature in cursive script that reads "Thomas J. Lynch".

Rev. Thomas J. Lynch
Chairman

Dated April 5, 1979

