



STATE OF CONNECTICUT
STATE ETHICS COMMISSION

ADVISORY OPINION NUMBER 80-1

Uncompensated Representation by a Public
Official before a Subsection 1-84(d) Agency


An attorney who is a member of the General Assembly wishes to represent a nonprofit social club, located in his senatorial district, before the Division of Liquor Control. The legislator will receive no compensation or other thing of value in consideration of this representation. He has asked whether the Code of Ethics for Public Officials proscribes such an appearance before the Division of Liquor Control. The General Assembly member also represents the social club, for compensation, on another matter, for which he was engaged prior to the time the issue before the Liquor Control Division arose.

Subsection 1-84(d) of the General Statutes provides that "No public official ... shall agree to accept ... any employment, fee or other thing of value ... in consideration of ... appearing, agreeing to appear, or taking any other action on behalf of another person before ... the division of liquor control within the department of business regulation" A member of the General Assembly is a public official for the purpose of this provision of the Code of Ethics for Public Officials. Subsection 1-79(j), General Statutes. The prohibition, however, applies only to paid employment, representing another for compensation before the State agency. It would not forbid the free representation involved here.

The question is complicated somewhat by the fact that the legislator is being paid for representing the social club concerning another matter. It would be simple to adjust upward the compensation for services on the other matter so that the appearance before the Liquor Control Division would be "free". In this case, however, the legislator has advised the Ethics Commission that the compensation for his services previously agreed upon is unchanged, unaffected by the services he is rendering his constituent before the subsection 1-84(d) agency.

Subsection 1-84(d), General Statutes, therefore does not prevent the legislator from representing his client before the Division of Liquor Control, since the representation is without compensation. Compliance with other provisions in sections 1-84 through 1-86, Code of Ethics for Public Officials, which have possible applicability should pose no problem so long as they are kept in mind.

By order of the Commission,


Thomas J. Lynch
Chairman

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