



STATE OF CONNECTICUT
STATE ETHICS COMMISSION

ADVISORY OPINION NUMBER 84-15

Liquor Control Supervising Agent Serving as
Deputy Sheriff

A liquor control supervising agent, Department of Liquor Control, has been appointed a deputy sheriff. He has asked whether there are any conflicts of interests between his two positions.

The principal mission of the Department of Liquor Control is to administer, enforce, and interpret the Liquor Control Act, Chapter 545, General Statutes. Section 30-6, General Statutes. Much of its enforcement capability depends upon its Inspection Section, in which liquor control agents serve. The Inspection Section investigates the suitability of new liquor permit applications, the continued suitability of applicants for permit renewal, and compliance by permittees and their backers with the Liquor Control Act and the regulations which the Department has issued to implement it. Section 30-6-F2, Regulations of Connecticut State Agencies. Supervising agents not only supervise the liquor control agents assigned to them, but perform the more difficult field inspections and investigations. Each of the four liquor control supervising agents is responsible for a different geographic area of the State. The area assigned the supervising agent in question does not include the county in which he serves as a deputy sheriff.

Deputy sheriffs for a county are appointed by the sheriff. Section 6-37, General Statutes. They serve at the sheriff's pleasure. Section 6-45, *id.* Deputy sheriffs have the same powers as the sheriff to serve civil process. Section 6-37, *id.* While their primary activity is service of process, they are peace officers. Subdivision 53a-3(9), *id.* As peace officers, deputy sheriffs must arrest, without previous complaint or warrant, any person for any offense within their county, when the person is taken or apprehended in the act or on the speedy information of others. Subsection 54-1f(a), General Statutes, as amended by section 2, Public Act No. 83-518. A deputy sheriff in immediate pursuit of one who may be so arrested is authorized to pursue the offender outside his county into any part of the State in order to effect the arrest. Subsection 54-1f(c), General Statutes, as amended by section 2, Public Act No. 84-302.

The liquor control supervising agent in question is contemplating retirement from his State position. Because he

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is considering serving as a deputy sheriff after retirement, he seized the opportunity to be appointed a deputy sheriff when a position became available. While he is still also a State employee he keeps his activity as a deputy sheriff minimal--serving two or three legal documents per month on the average. When he has received legal papers to serve on anyone directly or indirectly related to the liquor industry, he has contacted another deputy sheriff and had him serve the papers.

As a State employee (subsection 1-79(k), General Statutes) the supervising agent is subject to sections 1-84 through 1-86, General Statutes, the code of ethics within the Code of Ethics for Public Officials, Chapter 10, Part I, General Statutes. As a deputy sheriff he is a public official (subsection 1-79(j), General Statutes, as amended by section 1, Public Act No. 84-335), and also subject to the code of ethics within the Code. So long as the supervising agent's assigned geographic area does not include the county in which he serves as a deputy sheriff, and as a deputy sheriff he does not provide services to or involving anyone associated with the liquor industry, there do not appear to be any conflicts of interests between the duties and responsibilities of the two positions, or incompatibility between them as described in the common law doctrine of incompatibility of offices. With regard to that doctrine, see State ex rel. Schenck v. Barrett, 121 Conn. 237 (1936).

It does not seem possible for him to take official action in either position, or utilize confidential information acquired in either position, for his financial benefit in the other position. See subsection 1-84(a), section 1-84(c), General Statutes. Provided as a deputy sheriff he avoids any contact whatsoever with the liquor industry (other than enforcement of the Liquor Control Act should he see a violation of it), taking a position as a deputy sheriff should not influence his judgment as a supervising agent, or require or induce him to use or disclose confidential information acquired by him as a member of the Liquor Control Department. See subsection 1-84(b), General Statutes. As a deputy sheriff, he should not provide services to the State valued at \$100 or more, to avoid any questions under subsection 1-84(i), General Statutes.

He is minimizing the potential for conflicts of interests by confining his activity as a deputy to a very low level, merely keeping his foot in the door pending his retirement. So long as he provides no services as a deputy sheriff to the

liquor industry or its representatives and only modest (if any) services to the State, continues to avoid serving papers on those directly or indirectly involved with the liquor industry, and maintains a separation between the geographic areas in which he carries out the duties of his two positions, he should avoid any violations of the Code of Ethics or other conflicts of interests.

By order of the Commission,

Lucille E. Brown

Dated 7 November 1984

