



# STATE OF CONNECTICUT

## STATE ETHICS COMMISSION

ADVISORY OPINION NUMBER 86-10

### Bulk Purchase for Legislators of Data Processing Equipment

In upgrading its data processing applications the General Assembly is making some of the applications available to the public. A person having a terminal capable of formulating the proper inquiry may obtain legislative bill information and retrieve various other data maintained by the legislature. Legislators may obtain the same information utilizing equipment which is being installed in a number of legislative offices.

Some legislators have expressed an interest in purchasing equipment which would perform this function at a remote location, such as home or office. The Ethics Commission has been asked whether the legislative agency which buys data processing equipment for the use of the legislature could with propriety order the necessary terminals, micro computers or "intelligent" work stations, for the legislators at a reduced price based on a bulk purchase. It is understood that the equipment making up the package would be limited to that purchased by individual legislators and would not include similar data processing equipment being purchased by the legislature for official use.

While the terminals which the legislators wish to purchase would be capable of giving them access to information stored by the legislature, they would also be capable of, and available for, independent personal or business use. It is possible that a piece of data processing equipment purchased through a bulk order might never be utilized for State business.

Two ethical standards in statutes administered by the Ethics Commission may apply to the proposed purchase. First, a public official, such as a legislator, may not use his public position to obtain financial gain for himself, certain family members, or a business with which he is associated. Subsection 1-84(c), General Statutes. The second may be applicable if the bulk purchase discount is granted by a lobbyist registered in Connecticut, which most major manufacturers of data processing equipment are. No lobbyist may do anything with the purpose of placing any public official under personal obligation. Subdivision 1-97(c)(1), General Statutes. While the ethical standard of conduct is imposed on the registered lobbyist, a public official should not encourage a lobbyist to violate it.

Phone: (203) 566-4472

97 Elm Street — Rear ~~For Trinity Street~~ • Hartford, Connecticut 06106  
An Equal Opportunity Employer

There would normally be no ethical implications if a number of individuals were to band together for the purpose of purchasing a number of items at a price more favorable than if each bought the item separately. That can be a perfectly acceptable business practice. If the individuals are legislators whose official actions can affect the seller, however, precautions must be taken if ethical conduct is to be fostered.

When a legislative agency which purchases data processing equipment for official use arranges the bulk purchase for the legislators who are desirous of acquiring a micro computer or similar equipment, there is a particular danger of public office being used for private financial gain. The agency would have to make clear that no consideration is to be given its request for a bulk price that would not be given to a purchase by a similar group of private citizens. Paying approximately the same amount as others making a bulk order would be convincing evidence that official position had not been used for personal financial benefit, and that the vendor, if a registered lobbyist, was not attempting to place under personal obligation the legislators buying the terminals. One would think that the agency responsible for purchasing data processing equipment for official use would be able to assess whether inappropriate consideration was being given a package it assembled on behalf of the individual legislators.

There are administrative questions of concern to others than the Ethics Commission when a State agency is used to purchase for individuals material which may be used little, if at all, for State business. The discount which most vendors of data processing equipment grant the State probably is not intended for purchases such as the one under consideration. Insofar as the Codes of Ethics administered by the Ethics Commission are concerned, however, a legislative agency could arrange a bulk purchase package of terminals for legislators provided it sees to it that its order is treated no differently than that for any other group of individuals.

By order of the Commission,



Julie Peck  
Chairperson

Dated Aug. 11, 1986