



STATE OF CONNECTICUT

STATE ETHICS COMMISSION

ADVISORY OPINION NO. 89-29

Application of Conn. Gen. Stat. §1-84b(d) to Consultants

Mr. Martin Spector, an employee of the Department of Children and Youth Services, has requested an advisory opinion on the application of the revolving door provisions of the Code of Ethics to his situation. Mr. Spector retired from state service on October 1, 1989. His duties as a state employee included the review of grant applications from non-profit agencies. He was the chairman of the committee which made recommendations to the commissioner as to whether the applications should be approved.

Mr. Spector plans to start his own management firm. He hopes to be hired as an independent contractor by non-profit agencies to prepare grant applications and to offer management and accounting services and systems. He has asked the Commission to advise him as to what restrictions apply to his post-state employment.

Conn. Gen. Stat. §1-84b(a) prohibits a former state employee from representing anyone other than the State concerning any particular matter in which he or she participated substantially while in state service. Each individual grant application would be a "particular matter." Therefore, Mr. Spector would be barred from representing a non-profit agency regarding any grant application on which he worked while in state service.

Mr. Spector would also be barred from representing anyone before the Department of Children and Youth Services for one year after leaving state service. Conn. Gen. Stat. §1-84b(b). Mr. Spector has stated that the nature of his work as an independent consultant will be technical and that he will not be appearing before the Department.

Conn. Gen. Stat. §1-84b(d) prohibits a state employee who participated in the negotiation or award of a contract obliging the State to pay an amount of \$50,000 or more, or who supervised the negotiation or award of such a contract, from accepting employment with a party to the contract other than

Phone: (203) 566-4472

17 Elm Street — Rear 30 [REDACTED] Hartford, Connecticut 06106

An Equal Opportunity Employer

the State for a period of one year after his or her resignation from state office if his or her resignation occurs less than one year after the contract is signed. The awarding of a grant results in a contract between the State and the recipient of the grant. See Advisory Opinion No. 78-19, 40 Conn. L. J. No. 10, p. 14 (September 5, 1978).

The issue for the Commission is whether working as an independent consultant constitutes "accepting employment" under Conn. Gen. Stat. §1-84b(d). In previous advisory opinions, the Commission has stated that "employment" means work which is compensated. Advisory Opinion No. 84-17, 46 Conn. L. J. 26, p. 3D (December 25, 1984). Consequently, working as an independent contractor is "accepting employment" for purposes of Conn. Gen. Stat. §1-84b(d). See Lee Palmer, Ethics Commission Docket Number 88-9 (1988). Therefore, Mr. Spector may not work as an independent consultant for a non-profit agency to which he awarded or supervised the award of a grant worth \$50,000 or more for a period of one year after his retirement if his retirement occurs less than one year after the contract is awarded.

By order of the Commission,



William A. Elrick
Chairperson

Dated 10-2-89