



STATE OF CONNECTICUT

STATE ETHICS COMMISSION

ADVISORY OPINION NO. 89-33

Outside Employment of a Member of the State Elections Enforcement Commission

A member of the State Elections Enforcement Commission (SEEC), Mr. Albert Rogers, has asked the Ethics Commission whether, under the Code of Ethics for Public Officials, he may accept outside employment as the executive assistant to the Mayor of New Haven.

The SEEC is a five member citizens' panel established pursuant to Conn. Gen. Stat. §9-7a. No more than two Commissioners may be members of the same political party, and at least one shall not be affiliated with any party. *Id.* No person who served as a public official within the three previous years, except as a member of the SEEC, or who served as a political party officer within the three previous years is eligible for appointment to the Commission. *Id.* Commissioners receive a per diem of fifty dollars a day plus necessary expenses for their service. *Id.*

The SEEC, through its powers of investigation, hearing, and sanction, enforces the State's laws governing elections, primaries, and referenda. Conn. Gen. Stat. §9-7b. Additionally, the Commission educates and advises those persons subject to the State's campaign finance laws, and monitors compliance with those laws through a system of random audits. Conn. Admin. Reports to the Governor, Vol. XLIII, p. 23 (1988/89).

The outside employment Commissioner Rogers wishes to accept is a compensated position in the unclassified service of New Haven city government. As executive assistant, Mr. Rogers would be a senior administration employee responsible for advising the mayor on a broad range of policy matters affecting the city.

Under the Code of Ethics for Public Officials, Conn. Gen. Stat., Chapter 10, Part I, a public official, including an SEEC Commissioner, may not accept outside employment which will impair independence of judgment as to official duties or require or induce disclosure of confidential state information. Conn.

Phone: (203) 566-4472

97 Elm Street (rear) • Hartford, Connecticut 06106

An Equal Opportunity Employer

Gen. Stat. §1-84(b). If he accepts the executive assistant position, Commissioner Rogers states that he will "...recuse [himself] from any matter before the Commission which involves the City of New Haven, any candidate for elective office or officeholder in New Haven, or any act or omission by a political party or committee in the city, or representative thereof." Absent such recusal, Commissioner Rogers will have accepted outside employment which will impair his independence of judgment in violation of §1-84(b) of the Code. With such recusal, the Code of Ethics for Public Officials should present no impediment to Commissioner Rogers' acceptance of the position of executive assistant to the Mayor of New Haven. However, in order to avoid any disclosure of confidential information, whenever Commissioner Rogers must recuse himself from a confidential matter, he must insure that he does not, intentionally or inadvertently, disclose the existence of such matter to any person. Lastly, if, for whatever reason, the recusal requirement creates substantial difficulties for the workings of the SEEC, Commissioner Rogers should consider whether his outside employment has so impaired his ability to carry out state duties as to require his resignation.

By order of the Commission,



William A. Elrick
Chairperson

Dated 11 / 13 / 89