



STATE OF CONNECTICUT

STATE ETHICS COMMISSION

ADVISORY OPINION NO. 89-37

Definition of "Substantial Interest" As Used in
Conn. Gen. Stat. §1-84b(a)

Mr. Joseph Laput retired from state service on April 1, 1989. Prior to his retirement, he served as a fire/explosions investigator in the State Fire Marshall Division of the State Police. During his tenure, he was the investigator in charge of assisting the Derby Fire Marshall in the investigation of an explosion and fire. The State Fire Marshall did not assume jurisdiction over the incident.

Since his retirement, Mr. Laput was deposed on two separate occasions in connection with civil litigation stemming from the explosion and fire. Mr. Laput's current employer billed the law firm which deposed him for the time Mr. Laput spent in connection with the depositions. Mr. Laput, however, did not receive any additional remuneration for his participation in the matter. Mr. Laput has asked if his participation in the civil litigation is a violation of Conn. Gen. Stat. §1-84b.

The only provision of Conn. Gen. Stat. §1-84b which applies to this situation is §1-84b(a). Conn. Gen. Stat. §1-84b(a) states that "[n]o former executive branch or quasi-public agency public official or state employee shall represent anyone other than the state, concerning any particular matter (1) in which he participated personally and substantially while in state service and (2) in which the state has a substantial interest". In a prior advisory opinion the Commission adopted the meaning of "particular" as ". . .of, relating to, or being a single definite . . .thing as distinguished from some or all others opposed to general...". Advisory Opinion No. 89-11, 50 Conn. L.J.No. 44, p.5C (May 2, 1989). It follows, therefore, that Mr. Laput's substantial involvement in the investigation of the Derby fire was a "particular matter" as that term is used in §1-84b(a).

A principal purpose of Conn. Gen. Stat. §1-84b(a) is the prevention of side-switching in the midst of on-going state proceedings to obtain improper benefit in subsequent dealings involving the State's interests. In this case, however, the

State of Connecticut is not involved with the litigation nor is there any possibility that the State may become a party to the lawsuit. Therefore, although Mr. Laput's testimony may involve a particular matter in which he participated personally and substantially while in state service, the State no longer has a substantial interest in either the result of his investigation or the outcome of the litigation. Consequently, he may be a witness during a deposition or at a trial without violating Conn. Gen. Stat. §1-84b.

By order of the Commission,



William A. Elrick
Chairperson

Dated 12-13-89