



STATE OF CONNECTICUT
STATE ETHICS COMMISSION

ADVISORY OPINION NO. 90-13

Application of Conn. Gen. Stat. §1-84b(a) to
Appearances by Expert Witnesses

Mr. Mark Bourgeois is a former employee of the Oil and Chemical Spill section of the Department of Environmental Protection (DEP). He left state service in December 1988 to become a consultant to environmental response contractors. He has asked how Conn. Gen. Stat. §1-84b(a) affects his ability to serve as an expert witness on environmental problems.

Conn. Gen. Stat. §1-84b(a) states:

No 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.

It should be noted that this section of the Code prohibits any representation, whether or not for compensation and regardless of where the representation occurs. Under this section, a former state employee may never serve as an expert witness for a party other than the State on a particular matter in which he or she participated personally and substantially while in state service and in which the State has a substantial interest.

This prohibition does not, however, preclude the appearance of a witness under subpoena who receives no compensation other than statutory witness fees. To rule otherwise would unduly restrict the rights of parties and interfere unnecessarily with judicial and administrative processes.

By order of the Commission,
(Rabbi) Michael Menitoff
Rabbi Michael Menitoff

Rabbi Michael Menitoff
Chairperson

Dated 5-7-90