



# STATE OF CONNECTICUT

## STATE ETHICS COMMISSION

ADVISORY OPINION NO. 90-5

Legislator Taking Official Action on State Bonding  
for a Business With Which Associated

Representative Patricia A. Dillon of New Haven has accepted a position on the board of directors (the Board) of a private non-profit organization which has been established to promote the staging of the Volvo Tennis Tournament in Connecticut. The Representative will not be compensated for her work. Representative Dillon is on the bonding subcommittee of the Legislature's Finance, Revenue and Bonding Committee. She has asked whether it would be proper under the Code of Ethics for her to serve on the Board considering the fact that the Board may be applying for state bond funds.

Under the Code of Ethics for Public Officials, Conn. Gen. Stat. Chapter 10, Part I, service on the board of directors of a non-profit organization makes the organization a business with which one is associated. Conn. Gen. Stat. §1-79(b). Pursuant to §1-85 of the Code, a public official, including a member of the General Assembly, may not take official action on a matter, if the official has reason to believe or expect that an associated business will derive a direct monetary gain as a result. An exemption in §1-85 allows the official to act, however, if the benefit accrues to the associated business as a member of a group and is no greater than to any other member of the group of affected businesses.

If the Board seeks and obtains state bonding for the Volvo Tennis Tournament, its organization will unquestionably derive a specific, direct financial benefit distinct from that accruing to any other similar organization. Therefore, since board membership makes the organization a business with which Representative Dillon is associated, she is forbidden by §1-85 from taking any official state action, including both discussion and vote, on bonding for the Tournament.

If, however, Representative Dillon's fellow subcommittee members decide to include bonding for the Tournament in the subcommittee's overall bonding package, the Representative should not be barred by §1-85 from acting on the package. To

hold otherwise would result in a legislator being precluded from taking official action on the State's budget, revenue plan, or bonding package, when the official has a substantial conflict regarding only a small portion of the overall matter under consideration. Such an interpretation would, in the Commission's opinion, go beyond the legislative intent, and too frequently deprive constituents of fundamental representation by their elected officials. The public interest is sufficiently served, under the requirements of the Code of Ethics, if the legislator abstains from official action only when the matter posing the substantial conflict is specifically being considered. The legislator must, of course, continue to refrain from comment on the specific matter creating the conflict during any debate on the overall legislation.

By order of the Commission,



William A. Elrick  
Chairperson

Dated 1 - 8 - 90