



# STATE OF CONNECTICUT

## STATE ETHICS COMMISSION

ADVISORY OPINION NO. 90-9

Use of State Employee's Title and Employer on  
Stationery of Business With Which He Is Associated

Bill Kowalski, an attorney in the state Office of Consumer Counsel, has asked the Ethics Commission to explain the effect of the Code of Ethics for Public Officials on the role of state employees who are also members of the board of directors of the non-profit Connecticut Radio Information Service ("C.R.I.S."). Specifically, Mr. Kowalski has asked the following questions:

1. Should Mr. Kowalski's title and employer be removed from stationery used by C.R.I.S. to solicit donations from members of the Connecticut Bar?

2. Should Mr. Kowalski's title and employer be removed from stationery used by C.R.I.S. for any fundraising correspondence?

3. Should Mr. Kowalski's title and employer be removed from the stationery used by C.R.I.S. in all correspondence, regardless of whether the letter is seeking funds?

4. Should the job titles and positions of all other members of the board of directors at C.R.I.S. who are state employees be removed from the service's stationery?

Mr. Kowalski's first three questions can be answered together. C.R.I.S. is a business with which Mr. Kowalski is associated, since he serves on its board of directors. Conn. Gen. Stat. §1-79(b). Under §1-84(c) of the Code of Ethics, a state employee may not use his state position, however inadvertently, for the financial benefit of a business with which he is associated. Currently, the law does not distinguish between non-profit and for-profit businesses with which a state employee is associated. Therefore, the Commission must rule that while Mr. Kowalski may send a fundraising letter to members of the Connecticut Bar in his capacity as Chairman of the Board of C.R.I.S., the letterhead should not contain any reference to his state position as staff attorney with the Office of Consumer Counsel.

Phone: (203) 566-4472

97 Elm Street (rear) • Hartford, Connecticut 06106

*An Equal Opportunity Employer*

Mr. Kowalski should also remove his title and employer from any stationery used to raise funds for C.R.I.S., regardless of whether the letter is going out to members of the Bar or to the general public. In his position as staff attorney, Mr. Kowalski is uniquely able to affect the issues handled by the Consumer Counsel, including utility rate and other cases involving millions of dollars. Therefore, a potential use of office is not limited to dealings with Bar members.

Because the prohibition of §1-84(c) is limited to use of office for financial gain, however, Mr. Kowalski need not remove his title and employer from stationery used in C.R.I.S. correspondence unrelated to financial matters.

The same reasoning applied in Mr. Kowalski's case should be applied in answer to the fourth question raised. The titles and employer of those state employees/C.R.I.S. board members whose state jobs involve significant authority (*i.e.*, the Director of the Division of Library Services for the Blind and Physically Handicapped and the Educational Project Coordinator for the Board of Education Services for the Blind) should not be included on any C.R.I.S. letterhead used in connection with financial matters. The others' names and positions [two retired employees, a Connecticut National Guard member, and an A.C.A.C. (Agency Consumer Advisory Committee) volunteer] may remain on C.R.I.S. stationery regardless of the use to which it is put.

By order of the Commission,

  
Rabbi Michael Menitoff  
Chairperson

Dated March 5, 1990