



STATE OF CONNECTICUT  
STATE ETHICS COMMISSION

ADVISORY OPINION NO. 91-7

Attorney/Legislator Accepting Referrals of Legal  
Business From an Attorney/Lobbyist

Representative Eric D. Coleman has asked the Ethics Commission whether, under the Code of Ethics for Public Officials, he may engage in the following course of conduct.

In addition to his serving in the General Assembly, Representative Coleman is an attorney in private practice. He has received an offer of referral of legal business from another attorney, Maurice Mosley, who is also a registered lobbyist. According to Representative Coleman's request, the referrals in question would result from matters that the attorney/lobbyist is not able to handle because of conflicts of interest, schedule conflicts, etc.

Under the Code of Ethics for Public Officials, Connecticut General Statutes, Chapter 10, Part I, an official may not use his or her public position for private financial gain, nor may the individual accept outside employment which will impair independence of judgment as to official duties. Conn. Gen. Stat. §§1-84(b) and (c). The Commission consistently has applied these provisions to prohibit full-time state officials and employees from accepting outside employment (i.e., any form of endeavor for profit) which directly involves individuals or entities subject to the official's or employee's authority.

With equal consistency, however, the Commission has held that such a rigorous standard is inapplicable to Connecticut's part-time legislators. Ethics Commission Advisory Opinion No. 90-6, 51 Conn. L.J. No. 35, p. 3D (February 27, 1990). Only in instances of the most specific and direct conflict have these provisions been used to prohibit a member of the General Assembly from accepting outside employment. (See, e.g., Ethics Commission Advisory Opinion Nos. 89-7, 50 Conn. L.J. No. 44, p. 1C (May 2, 1989), Chairman of the Labor and Public Employees Committee should not accept employment representing clients before the Workers' Compensation Commission because of his

significant authority over the Commission; and 89-28, 51 Conn. L.J. No. 17, p. 3C (October 24, 1989), Chairman of the Banks Committee should not accept employment as an agent for investors seeking to purchase a bank, if the bank in question is subject to his Committee's authority or interested in legislation pending before the Committee.)

Under the Code of Ethics for Lobbyists, Conn. Gen. Stat., Chapter 10, Part II, the term "lobbyist" includes both those who spend and those who receive five hundred dollars or more in a calendar year for efforts to influence legislative or administrative action at the State level. Conn. Gen. Stat. §1-91(1). As a result, the ranks of Connecticut's lobbyists include many of the State's largest business entities, trade associations, unions, and other non-profit organizations, as well as hundreds of individuals paid to represent these entities. Consequently, whether as clients and customers or as employers, the State's registered lobbyists undoubtedly have myriad economic relationships with Connecticut's one hundred and eighty-seven legislators. Simply stated, given Connecticut's system of a part-time, citizen legislature, such economic interaction is a virtual necessity for many members of the General Assembly. In recognition of this fundamental reality, the Commission will seek to bar or restrict such activity under the Codes only when: 1. there exists evidence of a quid pro quo for official action in violation of the Code's anti-bribery provisions (Conn. Gen. Stat. §§1-84(f) and (g)); 2. the transaction is lacking in fiscal rationality and is, therefore, tantamount to an illegal gift in violation of Conn. Gen. Stat. §§1-84(j) and 1-97(a) (e.g., the lobbyist customer is paying more for a product or service than is commercially reasonable or the lobbyist employer is paying compensation but requiring little or no work); 3. the activity involves a specific and unavoidable conflict of the type found in Ethics Commission Advisory Opinion Nos. 89-7 and 89-28, discussed supra; or 4. the financial relationship otherwise suggests misuse of office, impairment of official judgment, or an improper attempt to influence legislative action.

Neither Representative Coleman's legislative assignments nor Attorney Mosley's lobbyist clientele suggest an inherent and unavoidable conflict in this instance. Furthermore, no information received by the Commission incident to this request indicates that Representative Coleman's carefully circumscribed acceptance of referrals from Attorney Mosley would run afoul of any Code provision as articulated in the above standards.

Therefore, the Representative may, with propriety, enter into the business arrangement in question.

By order of the Commission,

*Rabbi Michael Menitoff*

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Rabbi Michael Menitoff  
Chairperson

Dated 3-4-91

