



STATE OF CONNECTICUT  
STATE ETHICS COMMISSION

ADVISORY OPINION NO. 92-19

Registered Lobbyist's Provision Of Benefits To State  
Employee As Result Of Business Relationship  
With State Employee's Spouse

A state employee's spouse is employed by an organization which has business dealings with a registered lobbyist corporation. In connection with a joint project between the spouse's employer and the lobbyist corporation, the state employee and his spouse are the guests of the lobbyist at an event. The state employee has asked whether the benefit conferred upon him by the lobbyist is a gift subject to the limits set by the Codes of Ethics.

Similar questions have been asked informally of the Ethics Commission staff on a number of occasions. Most frequently, the issue arises when a state employee whose spouse is employed by a registered lobbyist corporation receives a benefit incidental to the spouse's employment (e.g., the spouse is expected to attend a particular dinner or other event and to bring his or her partner.)

The Commission has previously held that a state employee who is an elected officer of a professional association which is also a registered lobbyist may accept certain financial benefits which are routinely conferred on the association's officers (e.g., reimbursement of out-of-pocket costs, waiver of registration fees or reasonable costs of the officer's attendance at a convention.) Ethics Commission Advisory Opinion No. 83-3, 44 Conn. L.J. No. 35, p. 5B (March 1, 1983). Under that opinion, these financial benefits are not considered gifts and are not reportable by the lobbyist association, since the individual's service as an officer and his or her representation of the association at various functions serve as consideration for the benefits conferred.

This same reasoning applies to those customary and routine benefits conferred by a registered lobbyist employer on its employee who also happens to be the spouse of a state employee. Thus, if an employee of a lobbyist corporation is expected to attend, in one year, an annual dinner, the corporate outing and a corporate charity event, then the meals that she has received in the course of fulfilling these "extracurricular" job duties will not count towards her yearly food and drink

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limit of \$150.00, even though her husband is a state employee. Similarly, corporate payment of an employee's reasonable expenses for trips to meetings and/or conferences made on company business, or provision of tickets to an annual event sponsored by the corporation, will not count towards the aggregate yearly gift limit of \$50.00. If everyone in her position at the company is afforded the same treatment, then the benefits are considered additional compensation for work performed rather than a "gift" under the Codes of Ethics.

This logical exemption from the Codes' gift rules does not extend to benefits conferred on the spouse of a lobbyist's employee, however. See Advisory Opinion No. 83-3. If the spouse is employed by the State, the lobbyist may provide him or her with up to \$150 in food and drink and up to \$50 in gifts each year. That amount is generous enough to cover the majority of dinners or other events to which a corporate employee is expected to bring a spouse. If it appears that the limits may be exceeded, the spouse is not precluded from attending an event, provided that he or she reimburse the lobbyist corporation for any overage. Finally, if expenditures for the benefit of the spouse/state employee are otherwise reportable (i.e., he or she is a public official or on the immediate staff of a public official), then the lobbyist corporation must report any such expenditure on its next financial report.

Thus, in the specific situation presented here, the benefit conferred by a lobbyist corporation on a state employee whose spouse has collaborated on a project with the lobbyist corporation is subject to the Codes' gift limitations.

By order of the Commission,



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Christopher T. Donohue  
Chairperson

Dated 9-14-92