



STATE OF CONNECTICUT

STATE ETHICS COMMISSION

ADVISORY OPINION NO. 92-8

Public Official Who Has A Property Interest In Hartford
Participating In The Selection Of A Site For The
Connecticut Convention Center

The Connecticut Convention Center Authority is in the process of selecting a site for the Convention Center (Center) which is to be located in the City of Hartford. Its Chairperson, E. Clayton Gengras, Jr. has asked whether, under the Code of Ethics for Public Officials, he may take part in the selection process.

Mr. Gengras is the income beneficiary of a trust which contains commercial property located in Hartford. A site location proximate to this property is being considered by the Authority. Currently, the property is leased to Shawmut National Bank until June, 2008. Thereafter, the Bank has the right to extend the lease for three successive periods of five years each or exercise an option to purchase.

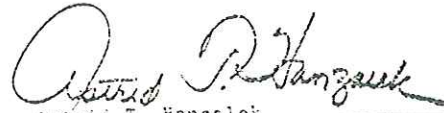
Mr. Gengras is also the general partner in a family owned holding company which in turn has a limited partnership interest in other property located at 967 Asylum Avenue in the City of Hartford. Additionally, Mr. Gengras' brother owns property at 2939 Main Street near the Hartford/Windsor town border. However, according to Mr. Gengras, both of these properties are unrelated to any property that may be sold to the Authority, are not located near any possible site location, and their value would not be affected by the construction of the Center. Therefore, they do not need to be considered for purposes of this Opinion.

Effective January 1, 1992, the Connecticut Convention Center Authority is a quasi-public agency for purposes of the Code of Ethics. Conn. Gen. Stat. §1-79(p). The Chairman and members of the Authority are public officials and subject to the Code's conflict of interest provisions. Conn. Gen. Stat. §1-79(o).

Specifically, it has been suggested that the commercial property leased to the Bank will increase in value if the Center is constructed nearby. Pursuant to Conn. Gen. Stat. §1-85, a substantial conflict of interest exists which precludes official action by a public official, if in the

proper discharge of his official duties, he has reason to believe or expect (emphasis added) that he, his spouse, a dependent child, or a business with which he is associated will derive a direct monetary gain by reason of his official activity. In this case, Mr. Gengras' official responsibility as Chairperson of the Authority is to participate in the site selection of the Center. However, because of the long-term lease which the Bank has with the trust, i.e., the potential for use of the property for thirty-one more years, it is speculative and remote that any appreciation in value will be realized due to a decision Mr. Gengras may make regarding the site selection. Therefore, it is not reasonable for Mr. Gengras to believe or expect any direct financial gain for himself or other family members with respect to that holding, since it is impossible to predict whether the property will retain its value thirty-one years from now solely because of its proximity to the Center. Consequently, under the Code, Mr. Gengras is permitted to take official action in selecting the site for the Convention Center.

By order of the Commission,



Astrid T. Hanzalek
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Chairperson

Dated 3-2-92