

CONNECTICUT STATE ETHICS COMMISSION
30 TRINITY STREET
HARTFORD, CONNECTICUT 06106

83-A

In the Matter of a Request
for a Declaratory Ruling

Arlene Weimer,
Applicant

Sales of Foodstuff by Spouse of Liquor
Control Supervising Agent

The wife of a liquor control supervising agent employed by the Department of Liquor Control has asked whether it would be proper for her to accept part-time employment as a sales representative for a food importer and wholesaler. The firm for which she would work does not deal in alcoholic beverages. It imports food products and sells them to other distributors, grocery stores, and restaurants. Some of its customers, and therefore some of the spouse's potential customers, hold liquor permits issued by the Department of Liquor Control.

The liquor control supervising agent, a State employee, plans and supervises the work of several liquor control agents. Liquor control agents perform field inspections of permit or proposed permit premises and conduct investigations in connection with the administration and enforcement of the Liquor Control Act, Chapter 545, General Statutes, and the regulations implementing it, sections 30-6-A1 through 30-6-F1, Regulations of Connecticut State Agencies. The extensive and detailed provisions of the Act and regulations govern all aspects of the handling and sale of alcoholic beverages in Connecticut. In addition to supervisory responsibilities, a liquor control supervising agent performs the more difficult field inspections and investigations in connection with administering and enforcing the Act and regulations issued under it. Because of the sensitivity of their duties, a thorough character investigation is made of candidates for employment as liquor control agents or supervising agents.

Should his wife be able to accept the employment without creating problems for him with respect to the Code of Ethics for Public Officials, Chapter 10, Part I, General Statutes, the liquor control supervising agent has agreed he would disqualify himself from participation in any action related to liquor law violations involving any of the wife's accounts. The members of the Liquor Control Commission have no objection to the wife's proposed employment. No Department policies prohibit

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it. Section 30-4, General Statutes, forbids a Department employee to have even an indirect interest in dealing in or manufacturing alcoholic liquor or have any interest whatsoever in the purchases or sales by persons permitted by the Department to purchase or sell alcoholic beverages. This would not seem to stretch so far as to cover the sale of groceries to permittees who derive some of their profits from the sale of alcoholic liquor.

Subsection 1-84(c) of the Code of Ethics prohibits a State employee from, among other things, using his office or confidential information gained in office for the financial benefit of his spouse. Obviously, the liquor control supervising agent is in a position to use his official authority to favor some permittees, to take actions disadvantageous to their competitors, and probably to provide useful information held by the Department but not made generally available to the public. A permittee might well prefer to purchase his groceries from the spouse of a State employee who potentially could be so helpful.

In the past the Ethics Commission has declared unacceptable under the Code a situation, created by the business enterprise of the spouse of a State employee, which is "ripe for violations of the principles of the Code of Ethics for Public Officials, even if the employee makes a dedicated effort to avoid them." Ethics Commission Advisory Opinion No. 82-8, 44 Conn. L.J. No. 21, p. 3B (Nov. 23, 1982). In that case, the wife of a highway construction inspector in the Department of Transportation owned a business which provided temporary traffic control devices to contractors, some of whom performed or might perform highway construction under Department of Transportation contracts. Similar problems could be encountered if the wife of a State employee were to solicit sales from businesses, over some of which her husband can exercise regulatory authority of significant financial consequence. There seem to be few areas of employment for the wife which would cause problems under the Code for her husband, the liquor control supervising agent. Among those few, however, is the one proposed here, unless she confines herself to accounts which do not hold and are not applicants for a liquor permit. Otherwise, her commercial activity bears too close a relationship to her husband's powers and duties as a State employee. Despite the husband's proven good character, the public confidence in the integrity of the operations of the Department of Liquor Control would undoubtedly be weakened when improper enforcement of the Liquor Control Act could be so profitable to the wife.

Lucille E. Brown

Dated 2 June 1983