



STATE OF CONNECTICUT

OFFICE OF STATE ETHICS

Draft Advisory Opinion No. 2025-3

September 12, 2025

Question Presented:

Whether the petitioner, a staff attorney with the Department of Social Services, may, in her private capacity, provide (1) mediation services in family law matters through her business, CT Mediation & Arbitration Services, LLC, and (2) legal drafting services (wills, powers of attorney, etc.), concerning clients who have no connection to DSS and matters that have no relationship to her DSS duties.

Brief Answer:

We conclude that the petitioner may engage in such outside work, if she abides by the restrictions contained herein.

At its August 21, 2025 meeting, the Citizen's Ethics Advisory Board (Board) granted the petition for an advisory opinion submitted by Cynthia Cartier, an employee of the Department of Social Services (DSS). The Board now issues this advisory opinion, as to her prospective conduct, under General Statutes § 1-81 (a) (3) of the Code of Ethics for Public Officials (Code). The opinion, which is binding on the Board concerning the person who requested it and who acts in good-faith reliance on it, is based solely on the facts provided by the petitioner.

Background

The petitioner provides that she is “currently employed as Staff Attorney with” DSS, where her duties are as follows:

- Provide legal support to various programs administered through DSS, including Husky A, B, C & D; Covered CT; community-based programs including waivers and

Community First Choice; Community Action Agencies; Nursing Facilities level of care; dental; non-emergency medical transportation (NEMT); energy assistance; access health; and tribal health. As counsel for these programs, I am responsible for reviewing client Medicaid and program eligibility; representing DSS at administrative hearings regarding eligibility, rate hearings for community living and care facilities; and providing legal advice to DSS staff on client applications and eligibility for said programs.

- Provide legal support to other aspects of the agency including employment matters involving CHRO filings and review of contracts for the programs I provide support.
- Research, interpret, analyze and apply complex and conflicting laws and regulations, case law and legal principles.
- Draft advisory opinions; may act as a hearing officer drafting rulings, decisions, recommendations; review and draft legislation, statutes, regulations, publications and other related legal documents;
- Represents agency in formal administrative and public proceedings on a full range of cases involving complex legal and technical issues regarding Medicaid;
- Negotiates and drafts settlement agreements;
- Consults with the Office of the Attorney General on legal issues;
- Conducts investigations and enforcement proceedings involving DSS programs;
- Prepares comprehensive reports for use in administrative and court proceedings involving DSS programs;
- Interprets and applies complex or conflicting laws and regulations, case law and legal principles;
- Reviews court decisions, new and proposed laws and regulations to determine impact on agency operations;
- Prepares and maintains precedent manuals;
- Prepares and submits State Plan Amendments to Center of Medicaid ("CMS") on Medicaid and CHIP Matters.
- Represents DSS before probate court on behalf of the agency including issues involving conservatorships and guardianships.

In addition to her state employment, the petitioner owns "a business, CT Mediation & Arbitration Services, LLC," through which she offers

mediation services involving family law matters including dissolution of marriage. I do not provide mediation services or legal services on any issues other than mediation of family matters. As a mediator, I assist the parties in resolving their family disputes including custody, support, alimony and divorce. I do not serve as their counsel, but rather as their mediator to assist them in negotiating a resolution. Clients are screened to ensure there are no conflicts with my duties at DSS. As my services are limited to mediation and family law, no conflicts are present with my job responsibilities at DSS.

My mediation work and/or client meetings take place outside of business hours, i.e., evenings and/or weekends. I do not provide counsel or support on any issues that relate to my duties and responsibilities as Staff Attorney for DSS as my business handles mediation for family law matters only. As a mediator, I work with the parties to draft and finalize agreements and necessary paperwork for family matters. I do not represent or file an appearance on behalf of either party or serve as their legal counsel. My role as a mediator is to assist the parties to reach an agreement on family disputes including separation, dissolution custody and support. I do not appear in Court or on behalf of either party, but may file necessary paperwork with the Court regarding the family matter. My website is www.ct-mediation.com.

Further, the petitioner

occasionally draft[s] basic wills, powers of attorney, health care proxies and living wills for clients that are not on state assistance or seeking state assistance. The drafting of these wills do not conflict or violate my duties at DSS. Moreover, work and/or client meetings take place outside of business hours, i.e., evenings and/or weekends.

Based on those facts, the petitioner “seek[s] to confirm that [her] outside employment with [her] business, CT Mediation & Arbitration Services,” as well as her occasional “drafting [of] basic wills, powers of attorney, health care proxies and living wills for clients that are not on state assistance or seeking state assistance,” does not run afoul of any Code provisions.

After receiving the petition, the Office of State Ethics forwarded it to her state employer, DSS, asking for comment, and its Commissioner, Andrea Barton Reeves, responded as follows:

Attorney Cartier has been employed as a staff attorney with DSS for approximately three years. DSS does not have concerns with respect to Attorney Cartier's outside employment through her business, Connecticut Mediation and Arbitration Services, LLC, at the present time as the business appears to focus on the mediation and arbitration of family matters. Attorney Cartier's business website, www.ct-mediation.com, indicates that the services provided through Connecticut Mediation and Arbitration Services, LLC, primarily relate to the mediation of family disputes including child custody and support, alimony, and divorce. At present, such outside employment, as described, would not interfere, or present a conflict, with Attorney Cartier's duties as a DSS staff attorney provided that Attorney Cartier does not utilize state time, materials, property, or other state resources in the course of such outside employment and that Attorney Cartier does not utilize her position as a state employee for financial gain.

Analysis

Concerning jurisdiction, § 1-81 (a) (3) authorizes the Board to issue advisory opinions to "any person subject to the provisions of" the Code, including any "State employee", as defined in General Statutes § 1-79 (13), a term that includes the petitioner, a DSS employee and thus an employee of the "executive . . . branch of state government" See Connecticut State Register and Manual (2024). Accordingly, we are statutorily authorized to opine whether the petitioner's prospective outside employment, as discussed above, complies with the Code, particularly its outside-employment provisions.

Those provisions do not prohibit all outside employment but do restrict it in several ways. As pertinent here, a state employee may not accept outside employment that would impair her independence of judgment as to her official duties, or that would induce her to disclose confidential information acquired through those duties. General Statutes § 1-84 (b). Further, a state employee may not use her state position, or confidential information garnered from such position, for personal financial gain. General Statutes § 1-84 (c). Generally, a state employee violates those provisions when she accepts outside employment "with an individual or entity which can benefit from the state servant's official

actions (e.g., the individual in . . . her state capacity has specific regulatory, contractual, or supervisory authority over the private person).” Regs., Conn. State Agencies § 1-81-17.

Here, then, to avoid such a violation of those provisions in the context of providing her private mediation and legal drafting services, the petitioner must—as she appears to be doing—refrain from accepting any clients (1) over whom she has, in her state position, specific authority (be it regulatory, contractual, or supervisory); (2) concerning whom she has access to confidential information in her state position that she would be induced to disclose; and (3) who can otherwise benefit from her state position. Indeed, the petitioner explains that, as to her mediation services, “[c]lients are screened to ensure there are no conflicts with [her] duties at DSS”, and she does “not provide counsel or support on any issues that relate to [her] duties and responsibilities as Staff Attorney for DSS” And as to her legal drafting services, she explains that she performs such work only “for clients that are not on state assistance or seeking state assistance.” Provided that her clients have no connection to DSS, and that their matters have no relationship to her DSS duties, the petitioner’s clientele should present no concerns under § 1-84 (b) and (c).

On top of refraining from accepting such clients, as discussed above, the petitioner must abide by the following list of restrictions in the context of her outside work:

- She may not “use state time, materials or personnel in furtherance of h[er] outside work.” Advisory Opinion No. 2005-4; see also Advisory Opinion No. 1998-4 (“§ 1-84(c) is violated whenever a state servant utilizes state goods or services incident to his or her private employment”).
- She may not use her “state title”, or any “other indicia of state authority”, to market her business, as doing so “would . . . violate . . . § 1-84(c)” Advisory Opinion No. 2000-1.
- Her outside work may not “interfere with h[er] ability to devote to h[er] state responsibilities the requisite time and energy”, for otherwise the work would be deemed an “impairment of h[er] independence of judgment with respect to h[er] state duties, in violation of . . . § 1-84 (b).” Advisory Opinion No. 95-17.
- She may not “agree to accept . . . any employment, fee or other thing of value, or portion thereof, for appearing, agreeing to appear, or taking any

other action on behalf of another person before” the state regulatory agencies listed in § 1-84 (d).¹

- She “may not use contacts made in state service to recruit private clients, nor may [she] otherwise use [her] state position to further [her] . . . business.” Request for Advisory Opinion No. 1419 (1995); see also Request for Advisory Opinion No. 1179 (1994) (“it would not be appropriate for you [a state employee] to increase your private work through contacts you receive as a result of your state position”).
- She may not, as is prohibited by § 1-84 (c), use “confidential information”² gained in her state position to obtain financial gain for herself or her business. See, e.g., Advisory Opinion No. 95-3 (“if [a state employee], during the course of performing her official responsibilities, has access to confidential information which provides the names of individuals who could benefit from the services of her private business, she may not use such information to contact potential clients”).
- If she or her business—which, because she is its owner, is a “business with which [s]he is associated”, as defined in § 1-79 (2)—seeks to enter a state contract valued at \$100 or more, the contract must be “awarded through an open and public process, including prior public offer and subsequent public disclosure of all proposals considered and the contract awarded.” General Statutes § 1-84 (i).
- If, however unlikely, she is required to take action in her state position that would affect her financial interests or the financial interests of her business, she must immediately recuse herself and do as follows: “prepare a written statement signed under penalty of false statement describing the matter requiring action and the nature of the conflict and deliver a copy of the statement to [her] . . . immediate superior” General Statutes § 1-86 (a).

¹Section 1-84 (d) agencies are “the Department of Banking, the Office of the Claims Commissioner, the Health Systems Planning Unit of the Office of Health Strategy, the Insurance Department, the Department of Consumer Protection, the Department of Motor Vehicles, the State Insurance and Risk Management Board, the Department of Energy and Environmental Protection, the Public Utilities Regulatory Authority, the Connecticut Siting Council or the Connecticut Real Estate Commission”

²Section § 1-79 (21) defines “Confidential information” as follows: “any information in the possession of the state, a state employee or a public official, whatever its form, which (A) is required not to be disclosed to the general public under any provision of the general statutes or federal law; or (B) falls within a category of permissibly nondisclosable information under the Freedom of Information Act, as defined in section 1-200, and which the appropriate agency, state employee or public official has decided not to disclose to the general public.”

The superior must then “assign the matter . . . to another who is not [a] subordinate” of hers. Regs., Conn. State Agencies § 1-81-29 (a).

Before closing, we note that DSS (like other state agencies) is required by General Statutes § 1-83 (a) (2) to have an internal ethics policy, and that its policy may be more (but not less) restrictive than the Code, meaning that, despite what we say here, DSS may prohibit, or place restrictions on, the petitioner’s outside work, which (given the DSS Commissioner’s comments noted above) it apparently does not intend to do.

Conclusion

Based on the facts presented—particularly that the petitioner’s clients have no connection to DSS and their matters have no relationship to her DSS duties—the petitioner may, in her private capacity, provide (1) mediation services in family law matters through her business, CT Mediation & Arbitration Services, LLC, and (2) legal drafting services (wills, powers of attorney, etc.), if she abides by the restrictions discussed above.

By order of the Board,

Dated _____

Chairperson