



STATE OF CONNECTICUT

OFFICE OF STATE ETHICS

Draft Advisory Opinion No. 2026-4

October 8, 2026

Question Presented:

Whether, given last year's legislative changes to the statutory framework underlying the state marshal system (state marshal statutes), state marshals "are now considered public officials subject to the jurisdiction and provision of the Code of Ethics for Public Officials" (Code).

Brief Answer:

We conclude that those legislative changes to the state marshal statutes did nothing to alter the conclusions in Advisory Opinion No. 2002-1, meaning that state marshals remain subject to the Code—not as "Public officials" or "State employees"—but only as independent contractors when hired by the state to perform their statutory duties.

At its September 17, 2026 meeting, the Citizen's Ethics Advisory Board (Board) granted the petition for an advisory opinion submitted by Joseph Aresimowicz, chairperson of the State Marshal Commission (SMC), and now issues this advisory opinion under General Statutes § 1-81 (a) (3).

Background

In his petition, Mr. Aresimowicz provides as follows:

Pursuant to Connecticut General Statutes § 1-81 (a)(3) and Regulations of Connecticut State Agencies §1-92-26, I am writing to respectfully petition the Citizen's Ethics Advisory Board for a

formal advisory opinion concerning whether Connecticut State Marshals are subject to the Code of Ethics for Public Officials.

In 2001 when the State Marshal Commission was newly formed, an advisory opinion was issued from the State Ethics Commission (2001-2) that state marshals were not public officials under the ethic code definition as they were statutorily defined as independent contractors. Public Act 25-78 changed the categorization of state marshals from independent contractors to appointed state officers who are compensated on a fee for service basis. It specifically states that state marshals are not state employees. Additionally in 2025, Section [149] of Public Act No. 25-[168] allowed state marshals to qualify for the state employee health care rates under the SEBAC agreement, under certain circumstances. The State Marshal Commission is requesting an advisory opinion regarding whether the 2001 advisory opinion remains valid or are Connecticut State Marshals now considered public officials subject to the jurisdiction and provision of the Code of Ethics for Public Officials.

After receiving the petition, the Legal Division of the Office of State Ethics, as required by § 1-92-39 (a) of the Regulations of Connecticut State Agencies, sent notice (via the SMC) to the subjects of the petition—namely, state marshals—and later received written responses, with argument, from Brian Mezick, President of the State Marshal Association of Connecticut, as well as Michael C. Delli Carpini, President of the Connecticut State Marshal's Organization, Inc.

Analysis

Starting with jurisdiction, § 1-81 (a) (3) authorizes the Board to issue advisory opinions to “any person subject to the provisions of” the Code, including a “Public official,” which encompasses, among others, “any person appointed to any office of the . . . executive branch of state government by the Governor” General Statutes § 1-79 (11). Under General Statutes § 6-38b, the Governor appoints the chairperson of the SMC, which, although having “independent decision-making authority,” is “within the Department of Administrative Services,” an executive-branch state agency. Connecticut State Register and Manual (2026). As chairperson, then, Mr. Aresimowicz is a gubernatorial appointee to an executive-branch office and, therefore, a “Public official” within the meaning of the Code. Accordingly, the Board is authorized to issue an advisory opinion to him concerning whether state marshals are

“Public officials” and subject to the Code as such.

Twenty-five years ago, the former State Ethics Commission (Commission) addressed that very question, in the context of addressing, more broadly, “whether [t]he Code . . . applies to state marshals” Advisory Opinion No. (AO) 2001-2. The Commission explained that, “[i]n general, the provisions of the Code . . . apply to public officials or state employees” *Id.* A “public official,” it noted, “includes individuals who are appointed to any office of the legislative, judicial or executive branch of state government by, among others, *the Governor, an appointee of the Governor, or by any member of the General Assembly.*” (Emphasis added.) *Id.*, citing General Statutes § 1-79 (k).¹ State marshals, the Commission continued, “are appointed by the [SMC], and seven of the eight members of that Commission are appointed by legislative leaders or the Chief Justice of the Connecticut Supreme Court.” *Id.* In other words, state marshals are appointed—not by appointees of the Governor, who are appointing authorities included within the definition of “Public official”—but by a body mostly made up of legislative and judicial appointees. And because “[t]he definition of ‘public official’ does not include individuals appointed *by legislative or judicial appointees,*” “state marshals are not ‘public officials’ for purposes of the Code” (Emphasis added.) *Id.* Nor did the Commission conclude that they were Code-defined “State employees,” for although they had recently been “given the opportunity to [voluntarily] participate in certain state insurance plans,” there was a state marshal statute expressly barring a person from simultaneously serving as a state marshal and a state employee. *Id.* The Commission concluded, therefore, that state marshals are subject to the Code in just “one limited manner”: “When a state marshal is hired by the state to perform one of his or her statutory duties, the provisions of [General Statutes] §1-86e will apply”² *Id.*

The question here, then, is whether the Commission’s conclusion in AO 2001-2—that state marshals are subject to the Code, not as “Public officials” or “State employees,” but only as independent contractors in the limited instances when they are hired by the state to perform their statutory duties—is still valid, in light of some recent changes to the statute marshal statutes. Among those changes, Mr. Aresimowicz points us, primarily, to the following language, from Public Acts 2025, No. 25-78 (P.A. 25-78), in which the bracketed language was removed, and the underlined was added:

¹The definition of “Public official” is now housed in § 1-79 (11).

²Section 1-86e subjects any “person hired by the state as a consultant or independent contractor,” as well as any “person employed by such consultant or independent contractor,” to certain restrictions (which will be set forth below).

Sec. 4. Subsection (a) of section 6-38a of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2025):

(a) For the purposes of the general statutes, “state marshal” means a qualified deputy sheriff incumbent on June 30, 2000, under section 6-38, as amended by this act, or appointed pursuant to section 6-38b, as amended by this act, who [shall have] has authority and whose duty is to provide legal execution and service of process in the counties in this state pursuant to section 6-38, as amended by this act, as an [independent contractor] official who is exclusively compensated on a fee for service basis, which is determined, subject to any minimum or maximum rate [promulgated] established by the state, by agreement with an attorney, court or public agency requiring execution or service of process.

The language’s key change (for present purposes) is that a state marshal went from being designated as an “independent contractor” to being designated as an “official.” Given that change, we must answer whether, as a statutorily designated “official,” a state marshal is now a “Public official” under the Code’s definition of that term.

We think not and reason as follows: In AO 2001-2, the Commission concluded that state marshals were not “Public officials” because the manner of their appointment did not satisfy the Code’s definition of that term. Since then, that definition has not changed in any material way vis-à-vis the facts at hand.³ In other words, as was the case then, the term “Public official” still includes (among other categories of persons not pertinent here) persons appointed to an executive-branch office by the Governor, an appointee of the

³Section 1-79 (11) defines “Public official” as follows:

“Public official” means any state-wide elected officer or officer-elect, any member or member-elect of the General Assembly, *any person appointed to any office of the legislative, judicial or executive branch of state government by the Governor or an appointee of the Governor*, with or without the advice and consent of the General Assembly, any public member or representative of the teachers’ unions or state employees’ unions appointed to the Investment Advisory Council pursuant to subsection (a) of section 3-13b, *any person appointed or elected by the General Assembly or by any member of either house thereof*, any member or director of a quasi-public agency and the spouse of the Governor, but does not include a member of an advisory board, a judge of any court either elected or appointed or a senator or representative in Congress.

(Emphasis added.)

Governor, or a member of the General Assembly. General Statutes § 1-79 (11). And just as that definition has not changed in any material way, so too the manner of state marshal appointment has not changed. That is, they are still appointed by the SMC; General Statutes § 6-38f; seven of eight members of which are, as they were in 2001, appointed by certain legislative leaders or the Chief Justice of the Connecticut Supreme Court. P.A. 25-78, § 5. And because the definition of “Public official” still does not include persons appointed by either *legislative* or *judicial* appointees, state marshals still are not Code-defined “Public official[s].”

Nor have they become—despite last year’s changes to the state marshal statutes—Code-defined “State employee[s],” namely, “any employee in the executive, legislative or judicial branch of state government, whether in the classified or unclassified service and whether full or part-time, and any employee of a quasi-public agency . . .” General Statutes § 1-79 (13). That definition has not changed one bit since the Commission, in AO 2001-2, determined that state marshals were not “State employees,” its main reason being this: The state marshal statutes expressly provided that “‘no person may be a state marshal and a state employee at the same time,’ . . .” AO 2001-2, quoting Public Acts 2000, No. 00-99, § 8 (h). Such language, wrote the Commission, “clearly indicates a legislative intent not to treat state marshals as state employees.” Well, a quarter of a century has passed since the Commission reached that conclusion, and despite making significant changes to the state marshal statutes, the General Assembly has left intact the language forbidding a person from simultaneously being “a state marshal and a state employee.” See General Statutes § 6-38b (h). We may infer, therefore, that the General Assembly acquiesces to the Commission’s interpretation that state marshals are not Code-defined “State employees.” See *Berkeley v. Gavin*, 253 Conn. 761, 777 n.11 (2000) (“we have employed the [legislative acquiescence] doctrine not simply because of legislative inaction, but because the legislature affirmatively amended the statute subsequent to a[n] . . . administrative interpretation, but chose not to amend the specific provision of the statute at issue”).

And that inference is not weakened by the fact that, in Public Acts 2025, No. 25-168 (P.A. 25-168), § 149, the General Assembly added “state marshals” as a category of individuals who may participate in the health insurance plan available to, among others, state employees. As explained in the summary of P.A. 25-168, prepared by the Office of Legislative Research, “[t]he act allows certain state marshals to participate in the state employee health insurance plan, under the same terms and conditions, and paying the same amount, as active state employees under the State Employees Bargaining Agent Coalition . . . agreement.” In fact, in articulating which individuals are eligible to participate

in the health insurance plan, General Statutes § 5-259 (a), as amended, articulates nine categories of which “state employees” are listed first and separately from eight *non-state employee* categories, of which “state marshals” are one. This clearly demonstrates that the General Assembly did not intend for state marshals to be considered “state employees” in this instance, for had it so intended, it presumably would *not* have separately articulated “state marshals” in its recitation of non-state employee categories. Like the Commission did in AO 2001-2, we conclude that the mere fact of this opportunity for some state marshals, under certain designated circumstances, to voluntarily participate in the state employee health insurance plan does not transform them into Code-defined “State employees”—particularly when (as already noted) another statute pertaining to state marshals expressly bars them from being “state employees.” General Statutes § 6-38b (h).

Having concluded that state marshals are neither “Public officials” nor “State employees” under the Code, the only remaining issue is whether they are still subject to § 1-86e, which provides, in relevant part, as follows:

No person hired by the state as a consultant or independent contractor, and no person employed by such consultant or independent contractor, shall:

- (1) Use the authority provided under the contract, or any confidential information acquired in the performance of the contract, to obtain financial gain for the consultant or independent contractor, an employee of the consultant or independent contractor or a member of the immediate family of any such consultant, independent contractor or employee;
- (2) Accept another state contract which would impair the independent judgment of the consultant, independent contractor or employee in the performance of the existing contract; or
- (3) Accept anything of value based on an understanding that the actions of the consultant, independent contractor or employee on behalf of the state would be influenced. . . .

In AO 2002-1, recall, the Commission concluded that, when hired by the state to perform their statutory duties, state marshals were acting as independent contractors and were thus subject to the prohibitions in § 1-86e. Recall, too, that, in last year’s legislative changes to the state marshal statutes, a state marshal went from being designated as an “independent contractor” to being designated

an “official.” P.A. 25-78, § 4. The question, then, is whether that legislative change, or any of the others, has rendered the Commission’s conclusion obsolete.

We do not think so, and our thinking is aptly summed up by Brian Mezick, President of the State Marshal Association of Connecticut, who writes:

The 2025 amendment [to the state marshal statutes] also did not transform the practical, functional or economic character of the state marshal system into an employment relationship. State marshals do not work for the State Marshal Commission. State marshals are not state employees.

State marshals continue to operate independently, maintain their own offices and practices, bear their own business expenses, obtain their own clients, and derive their compensation from fees generated by the performance of their statutory functions. They do not receive any state salary merely by virtue of holding their appointment. Rather, the statutory framework continues to compensate state marshals on a fee-for-service basis, with fees and rates governed by statute where applicable.

This framework is the longstanding structure Connecticut has chosen for its state marshal system. The replacement of “independent contractor” with “official” can therefore reasonably be understood as recognizing that marshals exercise authority without converting them in any way into state employees or fundamentally changing the manner in which they operate.

In other words, although no longer referred to statutorily as “independent contractors” in Chapter 78 (Judicial and State Marshals) of the General Statutes, state marshals continue to operate as such, and we, therefore, see no legislative intent to alter the Commission’s conclusion in AO 2001-2 that, for purposes of the Code, when hired by the state to perform their statutory duties, state marshals are subject to the prohibitions in § 1-86e.

Conclusion

Based on the facts presented, we conclude that last year’s legislative changes to the state marshal statutes did nothing to alter the conclusions in Advisory Opinion No. 2002-1, meaning that state marshals remain subject to the Code—

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not as “Public officials” or “State employees”—but only as independent contractors when hired by the state to perform their statutory duties.

By order of the Board,

Dated _____

Chairperson