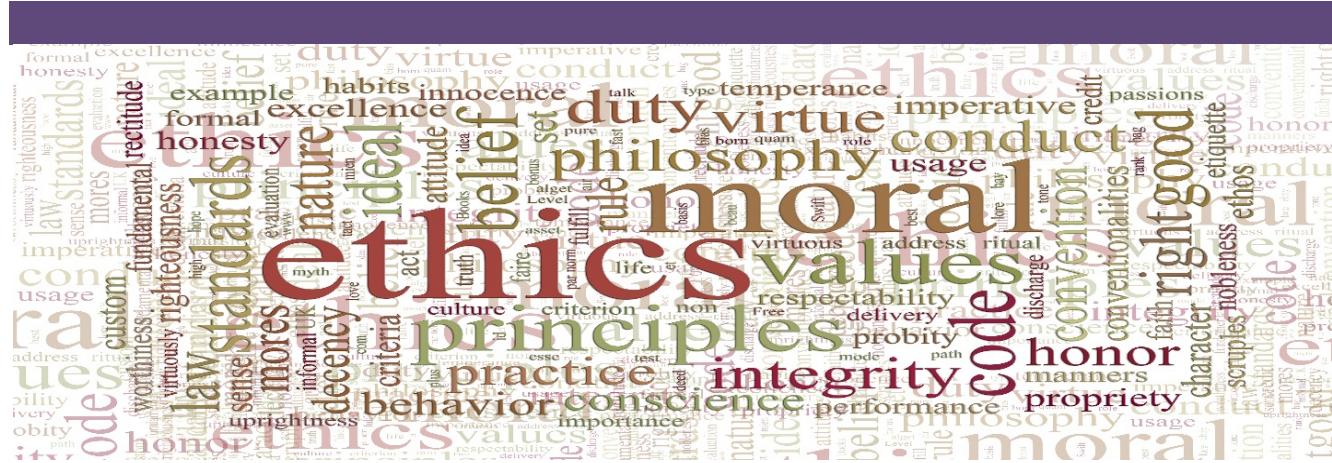




Connecticut State Legislators Guide to the Code of Ethics



Office of State Ethics

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Contact Us



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Specific E-mail Contacts: For the timeliest responses, please be sure to direct your questions to the appropriate e-mail address; for example, with a question such as, "Can I accept this outside position with a vendor?" please be sure to send your query to ethics.code@ct.gov

<ul style="list-style-type: none">➤ Legal Advice Regarding Code of Ethics➤ Lobbyist Filing/Reporting Questions➤ Public Official Filing/Reporting Questions➤ Enforcement/Filing a Complaint➤ All Other Inquiries	ethics.code@ct.gov lobbyist.ose@ct.gov sfi.ose@ct.gov ethics.enforcement@ct.gov ose@ct.gov
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[Staff Phone Number Listing](#)

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OFFICE OF STATE ETHICS

Created on July 1, 2005, under Public Act [05-183](#), the Office of State Ethics (“OSE”) is an independent regulatory agency charged with administering and enforcing the Connecticut Codes of Ethics (“Ethics Codes”), which are found in Chapter 10 of the Connecticut General Statutes.

The OSE’s duties include educating all those covered by the Ethics Codes; interpreting and applying the Ethics Codes; investigating violations of, and otherwise enforcing, the Ethics Codes; and providing information to the public.

The OSE’s jurisdiction:

Part I	Code of Ethics for Public Officials General Statutes §§ 1-79 to 1-90a
Part II	Code of Ethics for Lobbyists General Statutes §§ 1-91 to 1-101a
Part III	Lobbying: Miscellaneous Provisions General Statutes §§ 1-101aa and 1-101bb
Part IV	Ethical Considerations Concerning Bidding and State Contracts General Statutes §§ 1-101mm to 1-101rr

The OSE Executive Director has overall responsibility for the welfare and effectiveness of the OSE, which has three divisions, the legal division, the enforcement division, and the administrative division.

The OSE’s governing body is the Citizen’s Ethics Advisory Board (“CEAB”), which has nine members appointed by the Governor and legislative leadership. The CEAB holds monthly meetings that are open to the public. A schedule of CEAB meeting dates, times, and locations is available at www.ct.gov/Ethics.

CEAB Members:

- Attend monthly CEAB meetings
- Appoint and evaluate the Executive Director of the OSE
- Issue advisory opinions to persons subject to the Ethics Codes
- Serve as a Hearing Officer for non-confidential hearings held under the Uniform Administrative Procedures Act, General Statutes § [4-166](#) *et. seq.*
- Attend hearings to determine if violations occurred and, if so, assess penalties
- Attend special meetings if necessary
- Oversee legislative agenda

THE BIG PICTURE

Legislators, like other state officials and employees (except judges), are subject to the Code of Ethics for Public Officials (“Code”), chapter 10, part I, of the General Statutes. However, given Connecticut’s system of a part-time, citizen legislature, a few of the Code’s conflict-of-interest rules apply differently to legislators than to other state officials and employees—such as the rules relating to outside employment.

As you read through this guide, you should keep in mind that the Code’s conflict-of-interest rules—which are located in General Statutes [§§ 1-84](#) through [1-86](#)—are grounded on a single rationale: that public service is a public trust and must not be used for personal financial benefit, or for the financial benefit of certain family members or any “associated” business. Absent such financial benefit, the Code generally does not apply.

You should also keep in mind that this guide summarizes only the main points of the Code. For full text, with all conditions and exceptions, you should look to the Code itself, and for interpretations of its provisions, you may review prior opinions on our website, in addition to contacting the OSE Legal Division.

GIFTS

RESTRICTED DONORS

Under General Statutes [§ 1-84 \(j\) and \(m\)](#), legislators (and their immediate family members) may not knowingly accept a “gift” from a *restricted donor*, which includes 3 categories of persons:

- Registered lobbyists or lobbyist representatives (see the OSE website for a list of registered lobbyists)
- Contractors who have been pre-qualified by the Department of Administrative Services under General Statutes [§ 4a-100](#)
- Persons doing business with or seeking to do business with the legislative branch (as opposed to any other branch of state government)

What is a “gift”?

The Code’s definition of “gift,” located in General Statutes [§ 1-79 \(5\)](#), has three parts:

1. “anything of value” (money, tickets to a sporting event, meals, services, etc.),
2. “which is directly and personally received” (i.e., the legislator accepts the opportunity to partake of it, even if, for example, he or she gives it to a friend),
3. “unless consideration of equal or greater value is given in return” (i.e., unless the legislator pays fair market value for it).

“Gift” exceptions

Section [1-79 \(5\)](#) excludes many benefits from the definition of “gift,” meaning a legislator may accept them—even from restricted donors. Some examples include:

- **Token Items:** Items valued less than \$10, provided the annual aggregate of such items from a single source is \$50 or less.
- **Food/Beverage:** Up to \$50 in food/beverage annually from a single source, provided the donor or donor’s representative is present when it is consumed.
- **Ceremonial awards:** A certificate, plaque or other ceremonial award valued less than \$100.
- **Gifts to the State:** Goods or services provided to a state entity, including payment or reimbursement of a legislator’s (non-lavish) expenses to attend an educational conference relevant to his or her state duties.
- **Charitable or Civic Event:** Admission to a charitable or civic event, which a legislator attends in his or her official capacity, so long as admission is provided by the primary sponsoring entity.
- **Major life event:** A gift valued under \$1,000 given by an individual (i.e., a natural person) to celebrate a “major life event”: a child’s birth or adoption, wedding, funeral, ceremony commemorating induction into religious adulthood, and retirement from state service. (*Individual communicator lobbyists are the only restricted donors who may use this exception.*)
- **Legislative reception:** Food/beverage valued under \$50 per person at a publicly noticed legislative reception where *either* all legislators are invited, *or* all legislators from a region of the state are invited, and that is hosted not more than once a year by a lobbyist or business organization.
- **Political contributions:** See [page 13](#).

Gift reporting

Although a legislator may accept any of the benefits that fit within the “gift” exceptions from a registered lobbyist, the legislator’s name may appear on the lobbyist’s financial report filed with the OSE.

Generally, if a lobbyist gives a legislator any benefit valued at \$10 or more, the lobbyist must itemize the legislator’s name and the benefits received on its next financial report. (Exception for legislative receptions and charitable/civic events: the lobbyist must itemize a legislator’s name if the event’s per-person cost exceeds \$30.) See General Statutes [§ 1-96 \(e\)](#).

If a legislator does not want to be reported on the lobbyist's financial report, he or she must reimburse or return the item to the lobbyist before the filing of its next required financial report—but no later than 30 days after receipt of the benefit, at which time the benefit will be attributed to the legislator. OSE Regs. [§ 1-92-54 \(c\)](#).

Gift notification (“10-day letter”)

If a registered lobbyist gives a legislator a reportable benefit (i.e., a benefit that will require the lobbyist to itemize the legislator's name on its financial report), General Statutes [§ 1-97 \(d\)](#) mandates that, within 10 days, the lobbyist must give the legislator a written report stating:

- the donor's name,
- a description of the item or items given,
- the value of such items, and
- the cumulative value of all items given to the legislator during the calendar year.

This helps both the legislator and the lobbyist keep track of the “gift” exceptions noted above, so that permissible limits are not exceeded.

NON-RESTRICTED DONORS

A non-restricted donor is a person who does not fit within any of the 3 categories of restricted donors—and whether a legislator may accept a particular gift from a non-restricted donor depends on the reason it is given to him or her.

When a legislator receives a gift from a non-restricted donor, a question must be answered: *Was the gift given to the legislator by virtue of his or her public office?*

IF “YES”: The legislator may accept up to \$100 in benefits annually from the non-restricted donor, plus any items listed in the gift exceptions. See [Advisory Opinion No. 2003-13](#).

IF “NO”: There is no limit as to what the legislator may accept from the non-restricted donor.

Example (based on [Advisory Opinion No. 2004-12](#))

At a conference of a national legislative organization, a legislator is offered a \$125 opera ticket from a lobbyist who is *not* registered in Connecticut, and who is employed by a company that does *not* have a lobbyist registered in Connecticut. May the legislator accept the ticket?

Because neither the lobbyist nor his employer is registered in Connecticut, the donor is a non-restricted one. Even so, because the legislator is at the conference by virtue of his public office, the presumption is that the benefit was given by virtue of his office. Thus, the \$100 rule applies, meaning he may *not* accept the \$125 ticket.

But if the legislator and the out-of-state lobbyist are long-time friends, and the ticket is given by virtue of this friendship (and not the legislator's public office), he may accept the ticket, despite its value. (Note: If the long-time friend becomes a registered lobbyist in Connecticut, he will be a restricted donor, regardless of the friendship, and the strict gift limits will apply.)

Gifts to the State Reporting Requirement

If a legislator receives goods or services to support his or her official participation at an event that is educational in nature and relevant to the legislator's state duties, and such goods or services include lodging and/or out-of-state travel, he or she must within 30 days of receiving such goods or services, file an ETH-GTS Form with the Office of State Ethics. General Statutes [§ 1-84c \(b\)](#).

NECESSARY EXPENSES

General Statutes [§ 1-84 \(k\)](#)—the “necessary expenses” provision—prohibits a legislator from accepting a fee or honorarium for giving a speech, or otherwise participating at an event, *in his or her official capacity*.

However, a legislator may receive payment or reimbursement for “necessary expenses” if—in his or her official capacity—he or she *actively participates* in the event (for example, gives a speech, participates on a panel, or runs a workshop).

“Necessary expenses” are not considered gifts and may include ONLY the cost of:

- Travel (coach),
- Lodging (standard room for the nights before, of, and immediately following the legislator’s participation at the event),
- Meals (non-lavish), and
- Conference or seminar registration fees.

“Necessary expenses” DO NOT include the cost of entertainment (tickets to sporting events, golf outings, etc.), or payment of expenses for family members or other guests.

Only a sponsor of the event in which you are participating may pay for or reimburse your “necessary expenses.” [Advisory Opinion No. 2012-9](#).

Reporting

If a legislator receives payment or reimbursement for *lodging (whether in-state or out-of-state) and/or out-of-state travel*, the legislator has 30 days to file a report of the payment or reimbursement with the OSE, unless the payment or reimbursement is provided by the federal government or another state government. (The form, the ETH-NE, can be found on the OSE website.)

Example

A non-profit entity is hosting an out-of-state conference and would like a legislator to come and give a speech in her official capacity. The non-profit has offered to pay her travel and lodging expenses, to waive her conference registration fee, and to give her a \$500 honorarium. Permissible?

The legislator may not accept the \$500 honorarium (because she is participating in her official capacity), but may accept payment or reimbursement for “necessary expenses,” which include coach-class travel, standard lodging for the nights before, of, and after the speech, and waiver of the conference registration fee.

Note: For additional information please see: [Necessary Expenses & Gifts to the State: A Guide for Public Officials and State Employees](#).

VOTING AND OFFICIAL ACTION

GENERAL STATUTES § 1-85: “SUBSTANTIAL” CONFLICTS OF INTERESTS

A legislator has a substantial conflict of interests under [§ 1-85](#)—and may not take “official state action”—if he or she has “reason to believe or expect” the following:

The official action would have a direct impact on the legislator’s financial interests or the financial interests of his or her spouse, dependent child, or “associated” business—UNLESS the financial impact would be no different than that on any other member of the same profession, occupation or group.

Definitions

- **“Reason to believe or expect”:** When there is specific information available to the legislator that would clearly indicate to a reasonable person that such a direct financial impact would accrue or when the language of legislation would so indicate.
- **“Official state action”:** The introduction of, debate on, or vote concerning the particular matter at issue, whether in committee or on the floor of the General Assembly.
- **“Associated” business:** Includes any for-profit or non-profit entity in which the legislator (or a member of his or her immediate family) has a significant ownership interest or is a director or officer (i.e., president, executive or senior vice president or treasurer), but does not include non-profit entities of which one is an unpaid director or officer.

Examples

- If a legislator is on the board of directors of a for-profit corporation, the corporation is an “associated” business. Thus, if the corporation applies to the General Assembly for bonding, the legislator has a substantial conflict and is barred from taking official action on the specific bonding request. OSE Regs. [§ 1-81-28 \(a\)](#).

NOTE: Even if a legislator has a substantial conflict regarding a specific bonding or appropriations issue, he or she MAY take official action when the overall bonding package or budget comes before his or her committee or the General Assembly for consideration. But the legislator must continue to refrain from comment on the specific matter creating the conflict during any debate on the overall legislation. OSE Regs. [§ 1-81-28 \(g\)](#).

- A legislator's spouse is employed by Company X, but is not a director, officer, owner, etc., meaning that Company X is not a business with which the legislator is "associated." Thus, the legislator may take official action on legislation that will impact the spouse's employer, provided that there will be no direct financial impact on the legislator's spouse, and that the employer did not improperly influence the legislator. [Advisory Opinion No. 93-4](#).
- Legislation limiting medical malpractice victims' rights to legal recovery could impact the financial interests of at least 3 groups: doctors, tort attorneys and insurers providing medical malpractice coverage. A legislator/member of any of these 3 groups could take official action on the matter—despite the expectation of direct financial impact—provided that the legislator is affected no differently than the other members of his or her specific group. OSE Regs. [§ 1-81-28 \(d\)](#).
- A legislator serves as an unpaid officer of a community based non-profit organization. Because a legislator's service as an unpaid officer (or director) of a non-profit entity is exempted from the definition of "associated" business, she may, for example, vote on a specific measure to appropriate funds for the organization (provided, of course, there will be no impact on the legislator's financial interests).

OSE Enforcement action under § 1-85

[Docket No. 1993-4](#): A legislator entered into a stipulation and order to settle this matter, which involved an allegation that the legislator used his state office in violation of General Statutes [§§ 1-85](#) and [1-84 \(c\)](#) by attempting to enact legislation that would benefit his private business. The legislator, although not admitting the violation, acknowledged that there was sufficient evidence for an impartial trier of fact to find a violation. Under the terms of the settlement, the legislator agreed to pay a civil penalty of \$1,500.

OUTSIDE EMPLOYMENT

General outside employment provisions

General Statutes [§ 1-84 \(b\) and \(c\)](#) contain the general outside employment provisions, which bar state employees and officials from doing as follows:

- accepting outside employment that will impair their independence of judgment as to their official duties, and
- using their public office or position, or any confidential information gained by virtue of it, to obtain private financial gain.

These provisions have been applied to bar *full-time* state officials and employees from accepting outside employment that directly involves individuals or entities subject to the officials' or employees' authority.

This rigorous standard has never been applied to *part-time* legislators, the great majority of whom must, of economic necessity, pursue outside employment while in public service, making potential conflicts of interests inevitable.

Legislators' outside employment has been restricted only in cases of the most significant conflicts, the majority of which (but not all) involving committee chairpersons, *who are barred from accepting employment in an industry or engaging in an activity over which their committee has jurisdiction*. For example:

- [Advisory Opinion No. 87-13](#): Chairpersons of various committees barred from participating in the state's Farmland Preservation Program, which is administered by the Department of Agriculture, because of their authority over the Department or Program.
- [Advisory Opinion No. 88-9](#): Chairperson of the Labor and Public Employees Committee, which has full cognizance over all matters relating to workers' compensation, may not represent state employees before the Workers' Compensation Commission.
- [Advisory Opinion No. 89-28](#): Chairperson of the Banks Committee may not accept employment as an agent for investors seeking to purchase a bank, if the bank in question is subject to his Committee's authority or interested in legislation pending before the Committee.

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That is not to say, though, that legislators who are not committee chairpersons are free to accept any and all outside employment. For example:

- [Advisory Opinion No. 81-13](#): Legislator was prohibited from being paid to write articles or act as a radio/television commentator concerning the activities of the General Assembly. One reason for the prohibition (among others) was that “[t]here could be the appearance, at least, of a substantial conflict of interest if he were to be paid for writing a story about some activity in the General Assembly which he helped to generate.”

That said, if a legislator has any hesitation as to whether an outside economic endeavor is permissible under the Code, the OSE Legal Division should be contacted for advice.

Other outside employment provisions

General Statutes [§ 1-84 \(d\)](#): A legislator may not represent another for compensation before the following state agencies:

- the Department of Banking,
- the Claims Commissioner,
- the Office of Health Care Access division within the Department of Public Health,
- 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.

However, a legislator may accept employment with a firm that represents clients before these agencies—provided the legislator takes NO part in the representation and receives NO compensation from such representation.

General Statutes [§ 1-86 \(c\)](#): “No member of the General Assembly shall be a lobbyist.”

*“Lobbyist” generally means a “person who in lobbying and in furtherance of lobbying makes or agrees to make expenditures, or receives or agrees to receive compensation, reimbursement, or both, and such compensation, reimbursement or expenditures [or the combined amount thereof] are [\$3,000] or more in any calendar year.” General Statutes [§ 1-91 \(12\)](#).

General Statutes [§ 1-84 \(i\)](#): No legislator may enter into a contract with the State valued at \$100 or more, unless the contract has been awarded through an open and

public process. (This restriction also applies to immediate family members and “associated” businesses.)

General Statutes § 1-84(c): The use-of-office provision bars a legislator from (among other things) using state time, materials, and personnel to support his or her outside employment. See, e.g., Advisory Opinion No. 98-4 (legislator prohibited from using a state-issued computer to support his outside work); Docket No. 84-1 (legislator found in violation of the Code for using official state stationary to promote his family business).

Article III, § 11, of the Connecticut Constitution: A legislator may not accept any appointive position or office in the judicial or executive branch of state government (as well as in state courts or in any county government) during his or her elected term.

POST-STATE EMPLOYMENT

Former legislators are subject to three post-state employment provisions, including one lifetime ban and two one-year bans.

Lifetime ban

General Statutes § 1-84a: A former legislator may never use or disclose any confidential information acquired in the course of his or her official duties for anyone’s financial gain. (The definition of “confidential information” can be found in OSE Regs. [§ 1-81-15](#).)

One-year bans

General Statutes § 1-84b(f): A former legislator may not—for one year after leaving state service—accept employment with a party to a state contract valued at \$50,000 or more, if two things are true:

- (1) the legislator participated substantially in, or supervised, the negotiation or award of that contract, and
- (2) it was signed within his or her last year of state service.

This provision generally applies to legislators on the Legislative Management Committee, as they are some of the few legislators who participate in the negotiation and/or award of contracts.

General Statutes § 2-16a: A former legislator may not engage in the profession of lobbyist until one year after the conclusion of his or her term. (Note that this provision falls outside of the Code and is, therefore, not within the OSE’s jurisdiction to enforce.)

STATEMENTS OF FINANCIAL INTERESTS

Legislators, as well as certain other public officials and senior state employees, must file with the OSE, by May 1 of each year, statements of financial interests ("SFI") held during the previous year. See General Statutes [§ 1-83](#).

The SFI includes the following information for the previous calendar year concerning the legislator, the legislator's spouse, and any dependent children residing in the legislator's household:

- "associated" businesses
- sources (not amounts) of income over \$1,000
- securities valued in excess of \$5,000
- blind trusts
- real property and its location
- leases or contracts with the state
- creditors owed debts exceeding \$10,000

SFIs are open to public inspection in all but one respect: the section pertaining to creditors owed debts exceeding \$10,000 is confidential, unless confidentiality is waived by the filer.

POLITICAL CONTRIBUTIONS

Permissible contributions

Certain political contributions are exempted from [§ 1-79 \(5\)](#)'s definition of "gift":

- A political contribution otherwise reported as required by law or a donation or payment as described in General Statutes § 9-601a (b) (9) or (10); and
- Volunteer services to aid or promote the success or defeat of any political party, any candidate(s) for public office or the position of convention delegate, town committee member or any referendum question.

Prohibitions

- No person may offer or give a legislator anything of value—including a political contribution—with the understanding that the vote, official action or judgment of the recipient would be or had been influenced by the contribution. General Statutes [§ 1-84 \(f\)](#).
- No legislator may solicit or accept anything of value—including a political contribution—with the understanding that the vote, official action or

judgment of the recipient would be or had been influenced by the contribution. General Statutes [§ 1-84 \(g\)](#).

Sessional ban on lobbyist contributions

See General Statutes [§ 9-610 \(e\)](#)—which falls within the jurisdiction of the State Elections Enforcement Commission.

ETHICS ENFORCEMENT

Enforcement of the Code is initiated by a complaint, which is filed by the OSE Ethics Enforcement Officer or a member of the public. In most cases, a complaint filed by the Ethics Enforcement Officer is preceded by a confidential staff evaluation.

A two-stage process follows:

1. Confidential investigation and confidential probable cause hearing.
2. If probable cause is found, a public hearing to determine if a violation has occurred.

At any stage of this process, the OSE and the Respondent may attempt to negotiate a settlement.

After a finding or admission of a violation, the CEAB may order the Respondent to comply with the Code in the future, file any required report or statement, and/or pay a civil penalty of up to \$10,000 for each violation.

For failure to adequately file a report, statement, or other information required by the Code (e.g., the annual Statement of Financial Interests), the CEAB may, after a hearing, impose a civil penalty of up to \$10 per day, with the aggregate penalty for any one violation being \$10,000.

The OSE may also refer matters to the Chief State's Attorney for criminal prosecution. An intentional violation of the Code is a misdemeanor for the first violation, unless the individual has derived a financial benefit of at least \$1,000. In that case, the violation is a class D felony.

If a violation of certain Code provisions is found to have occurred, the Attorney General may sue for up to three times the economic gain received through knowingly committing or knowingly profiting from a violation of the Code.

The "[Citizen's Guide to Filing a Complaint](#)," which is available on the OSE's website, gives a detailed overview of the complaint process and related confidentiality rules.