

TABLE OF CONTENTS

Code of Ethics

Article 1

**Filing of Statements Pursuant to
Section 1-83, General Statutes**

Part 1

Annual Statement of Financial Interests

Definitions	1-81- 1
Form of statement, filing requirements	1-81- 2
Electronic filing of statement	1-81- 2a
Listing of names of those whose interests are required to be disclosed	1-81- 3
Disclosure of businesses with which associated	1-81- 4
Disclosure of category of type of all sources of income in excess of one thousand dollars.	1-81- 5
Repealed	1-81- 6
Disclosure of securities in excess of five thousand dollars, definitions of “securities”	1-81- 7
Disclosure of all real property and its location.	1-81- 8
Disclosure of the names and addresses of creditors	1-81- 9
Disclosure of leases and contracts with the state.	1-81-10
Confidentiality procedures regarding disclosures made pursuant to subdivision (1) (F) of subsection (b) of section 1-83 of the general statutes	1-81-11

Part 2

**Annual Statements of Financial Interests
Required of Sheriffs and Deputy Sheriffs**

Form of statement, filing requirements	1-81-12
Determination of income and expenses.	1-81-13

Article 2

Conflict of Interest Provisions

Sections 1-84, 1-85, and 1-86, General Statutes

Part 1

Section 1-84, General Statutes

Subsection (b) of section 1-84 of the general statutes: definition of “employment”	1-81-14
Section 1-84 of the general statutes; definition of “confidential information”	1-81-15
Subsection (c) of section 1-84 of the general statutes: use of inside information prohibited	1-81-16
Subsection (b) and (c) of section 1-84 of the general statutes: use of expertise for financial gain not prohibited	1-81-17
Subsection (d) of section 1-84 of the general statutes: “appearing” or taking any other action” defined, permitted activities explained	1-81-18

Subsection (i) of section 1-84 of the general statutes: open and public contract process defined 1-81-19

Valuation of benefits 1-81-20

Fees and honorariums prohibited: “necessary expenses” allowed . . . 1-81-21

Definition of “in his official capacity” as used in subsection (k) of section 1-84 of the general statutes 1-81-22

Disclosure of necessary expenses; filing requirement, filing date 1-81-23

Form of disclosure. 1-81-24

Specifics of disclosure. 1-81-25

Donation of fee or honorarium 1-81-26

Gifts to the state. 1-81-27

Part 2

Section 1-85, General Statutes

Section 1-85 of the general statutes: substantial conflict of interest explained 1-81-28

Part 3

Section 1-86, General Statutes

Subsection (a) of section 1-86 of the general statutes: procedures for avoiding a conflict of interest detailed. 1-81-29

Subsection (a) of section 1-86 of the general statutes: definitions . . . 1-81-30

Article 3

Post-State Employment Provisions

Sections 1-84a and 1-84b, General Statutes

Part 1

Section 1-84a, General Statutes

Confidential information defined 1-81-31

Part 2

Section 1-84b, General Statutes

Subsection (a) of section 1-84b of the general statutes: substantial participation defined. 1-81-32

Subsection (a) of section 1-84b of the general statutes: represent defined 1-81-33

Subsection (a) of section 1-84b of the general statutes: prohibitions apply to individual, not employer. 1-81-34

Subsection (a) of section 1-84b of the general statutes: substantial interest defined. 1-81-35

Subsection (a) of section 1-84b of the general statutes: provision stated, interpretations and applications to be found in commission advisory opinions 1-81-36

Subsection (c) and (d) of section 1-84b of the general statutes: subject positions identified 1-81-37

Subsection (f) and (g) of section 1-84b of the general statutes: definitions provided. 1-81-38

Code of Ethics

Sec. 1-81-1. Definitions

For purposes of these regulations implementing the Code of Ethics for Public Officials, the definitions contained in Section 1-79 of the general statutes, shall apply whenever pertinent.

(Effective June 16, 1993)

Article 1

Filing of Statements Pursuant to Section 1-83, General Statutes

Part 1

Annual Statement of Financial Interests

Sec. 1-81-2. Form of statement, filing requirements

(a) The Annual Statement of Financial Interests required of those individuals whose positions are enumerated in Subsection (a) of Section 1-83 of the general statutes, and those individuals designated by the Governor pursuant to Subsection (a) of Section 1-83 (a) shall be made under penalty of false statement and filed on a form promulgated by the Commission.

(b) An individual who occupies a position which requires the filing of an Annual Statement of Financial Interests shall file for the preceding year by the first of May of any year in which he or she holds such a position. However, a person assuming such a position after March thirty-first of any year shall file for the preceding year within thirty days of assuming his or her position. An individual leaving such a position shall file for the portion of the calendar year served. The person shall be notified of this requirement by the Commission within thirty days of his or her departure, and shall file such statement within sixty days after receipt of the notification. No statement shall be considered filed until it is received by the Commission.

(Effective June 16, 1993)

Sec. 1-81-2a. Electronic filing of statement

(a) Any statement required pursuant to subsection (a) of Section 1-83 of the general statutes may be filed with the Commission electronically, provided the filer has previously submitted a properly completed Statement of Financial Interests Electronic Filing Authorization Form (ETH-4C) to the Commission.

(b) An individual with an approved ETH-4C Form on file with the Commission will be deemed to have signed his or her statement, under penalty of false statement, when the individual: enters their assigned password to access the Commission's filing program; completes the authorized name/certification section of the form; and electronically submits the filing to the Commission.

(Adopted effective May 9, 2000)

Sec. 1-81-3. Listing of names of those whose interests are required to be disclosed

(a) In order to allow determination of the completeness and accuracy of the information required to be filed pursuant to Subdivision (1) of Subsection (b) of Section 1-83 of the general statutes, each individual required to file shall disclose, on the form provided by the Commission, the names of his or her spouse and dependent children residing in the individual's household.

(b) In each instance of disclosure mandated by Subdivision (1) of Subsection (b) of Section 1-83 of the general statutes, the filer shall identify by relationship (e.g., self, spouse, son) or name the owner or holder of the interest or the recipient of the income as the case may be. Additionally, whenever a reportable interest is held by another (e.g., a trustee) for the benefit of a reportable individual, the filer shall disclose both the holder and the beneficiary by either relationship or name.

(Effective June 16, 1993)

Sec. 1-81-4. Disclosure of businesses with which associated

(a) When disclosing the names of all businesses with which associated, pursuant to Subdivision (1) (A) of Subsection (b) of Section 1-83 of the general statutes, each filer shall disclose the name and address of the business, the nature of the interest held (e.g., owner, partner, director, etc.) and, with reasonable particularity, the nature of the business or activity (e.g., manufacturing of farm equipment, computer consulting, etc.).

(b) Notwithstanding subsection (a) of this section, in the case of disclosure of trust interests, pursuant to Subdivision (1) (A) of Subsection (b) of Section 1-83 of the general statutes, it shall be sufficient to disclose the name of the trust and the names of the trustees.

(Effective June 16, 1993)

Sec. 1-81-5. Disclosure of category or type of all sources of income in excess of one thousand dollars

When disclosing the category or type of all sources of income in excess of one thousand dollars, pursuant to Subdivision (1) (B) of Subsection (b) of Section 1-83 of the general statutes, it shall be sufficient to report the general sources of earned income such as salary and unearned income such as rents, interest, or dividends in the aggregate without identifying specific individual sources of such income (e.g., specific employers, property holdings, banks, or stocks).

(Effective June 16, 1993)

Sec. 1-81-6.

Repealed, March 3, 1998.

Sec. 1-81-7. Disclosure of securities in excess of five thousand dollars, definition of “securities”

Included in the definition of securities for purposes of Subdivision (1) (C) of Subsection (b) of Section 1-83 of the general statutes, and therefore required to be disclosed, are stocks, bonds, and mutual funds. Bank accounts, certificates of deposit, and money-market funds are not within the definition of security and need not be disclosed under Subdivision (1) (C) of Subsection (b) of Section 1-83 of the general statutes.

(Effective June 16, 1993)

Sec. 1-81-8. Disclosure of all real property and its location

When disclosing all real property and its location pursuant to Subdivision (b) (1) (E) of Section 1-83 of the general statutes, the filer shall disclose the entire address of such property, including its street address.

(Effective June 16, 1993)

Sec. 1-81-9. Disclosure of the names and addresses of creditors

For the purpose of determining creditors to whom the filer, his or her spouse or dependent children, individually, owed debts of more than ten thousand dollars,

pursuant to Subdivision (1) (F) of Subsection (b) of Section 1-83 of the general statutes, the offsetting of an account payable with a separate account receivable shall not be permitted.

(Effective June 16, 1993)

Sec. 1-81-10. Disclosure of leases and contracts with the state

(a) When disclosing leases with the State held or entered into by the filer or a business with which the filer was associated, pursuant to Subdivision (1) (G) of Subsection (b) of Section 1-83 of the general statutes, the filer shall include the term of the lease, the annual rent, the address of the subject property, and the names of the lessor and lessee.

(b) When disclosing contracts with the State held or entered into by the filer or a business with which the filer was associated, pursuant to Subdivision (1) (G) of Subsection (b) of Section 1-83 of the general statutes, the filer shall include the term of the contract, the contract cost or value, the subject of the contract, the names of the parties, and the contract identification number.

(Effective June 16, 1993)

Sec. 1-81-11. Confidentiality procedures regarding disclosures made pursuant to subdivision (1) (F) of subsection (b) of section 1-83 of the general statutes

Pursuant to Subsection (c) of Section 1-83 of the general statutes, the disclosure of creditors shall not be a matter of public information. These disclosures shall be made, under penalty of false statement, on a separate form (the Confidential Addendum) promulgated by the Commission. The completed Confidential Addendum shall be submitted to the Commission with the filer's Annual Statement of Financial Interests form. If the filer wishes the Addendum to remain confidential, he or she shall submit it in a sealed envelope.

(Effective June 16, 1993, amended March 3, 1998)

Part 2

**Annual Statements of Financial Interests
Required of Sheriffs and Deputy Sheriffs**

Sec. 1-81-12. Form of statement, filing requirements

(a) The Annual Statement of Financial Interests required to be filed by sheriffs and deputy sheriffs, pursuant to Subdivision (2) of Subsection (b) of Section 1-83 of the general statutes, shall disclose amounts and sources of income earned in their capacity as sheriffs or deputy sheriffs including the name, address, and amount received from any person paying one thousand dollars or more for any category of sheriff services during the calendar year being reported for.

(b) The Sheriff/Deputy Sheriff Annual Statement of Income shall be made under penalty of false statement and filed on a form promulgated by the Commission.

(c) The statement shall be filed by the first of May of each year disclosing the amounts and sources of income earned as a sheriff or deputy sheriff during the preceding calendar year. However, a person assuming the office of sheriff or deputy sheriff after March thirty-first of any year shall file for the preceding year within thirty days after assuming office. When a sheriff or deputy sheriff is required to file for a previous calendar year during which he or she was not in office, the statement shall disclose the date when office was assumed and a certification of the fact that no reportable income was received during the preceding year. A person

leaving such office shall file for the portion of the calendar year served. The person will be notified of this requirement by the Commission within thirty days of his or her departure, and shall file within sixty days after receipt of the notification. No statement shall be considered filed until it is received by the Commission.

(Effective June 16, 1993)

Sec. 1-81-13. Determination of income and expenses

In order to accurately reflect net income on the Sheriff/Deputy Sheriff Annual Statement of Income, the filer shall disclose both gross income earned as a sheriff or deputy sheriff and expenditures made incident to earning this income.

(a) In reporting gross income, the filer shall include salary (sheriff and chief deputy sheriff only) and payments for service of process, executions (wage, bank, property, etc.), collection of delinquent taxes, and court attendance (as bailiff). The filer shall not, however, include reimbursements of advancements, or funds held but not his or hers to keep. For example, do not include: bail or bond money received or held; reimbursement of motor vehicle or town clerk fees; filing or entry fees; witness, moving, or keeper fees; certified/registered mailing fees.

(b) In reporting expenses, the filer shall include the proportionate amounts of all expenses directly attributable to the performance of official duties as sheriff, chief deputy sheriff, or deputy sheriff (office expenses such as rent, insurance, utilities, actual copying costs; transportation expenses; employee expenses; etc.). For employees, include proportionate amounts of their compensation and benefits (social security tax, unemployment compensation tax, medical insurance, etc.) attributable to supporting the sheriff, chief deputy, or deputy sheriff in the performance of official duties. To report transportation expenses, report either the proportionate cost of actual expenses for gasoline, car insurance, repairs, etc., or the number of miles traveled on sheriff business multiplied by the statutory mileage fee. In addition to reporting total expenses, the filer shall, on a separate sheet, itemize expenses by category. Said categories shall be as follows: employees (specify secretarial, etc.), office expenses (specify actual copying costs, etc.), and transportation.

(Effective March 21, 1995)

Article 2

Conflict of Interest Provisions Sections 1-84, 1-85, and 1-86, General Statutes

Part 1

Section 1-84, General Statutes

Sec. 1-81-14. Subsection (b) of section 1-84 of the general statutes: definition of "employment"

Pursuant to Subsection (b) of Section 1-84 of the general statutes, no public official or state employee shall accept other employment which will either impair independence of judgment as to official duties or state employment or require or induce disclosure of confidential information acquired through state service. For the purposes of Subsection (b) of Section 1-84 the term employment shall be construed to include any work or endeavor, whatever its form, undertaken in order to obtain financial gain (e.g., employee of a business, sole practitioner, independent contractor, investor, etc.). The term shall not, however, include any endeavor undertaken only as a hobby or solely for charitable, educational, or public service purposes,

when no compensation or other financial gain for the individual, his or her immediate family or a business with which the individual is associated is involved.

(Effective June 16, 1993)

Sec. 1-81-15. Section 1-84 of the general statutes: definition of “confidential information”

(a) For the purposes of Subsection (b) and (c) of Section 1-84 of the general statutes, the term confidential information shall include: (1) any information in the possession of the State, a state employee, or a public official, whatever its form, which is mandatorily non-disclosable to the general public under any state or federal statute, regulation, or provision; and (2) any information in the possession of the State, a state employee, or a public official, whatever its form, which falls within a category of permissibly non-disclosable information under the Freedom of Information Act, Chapter 3 of the general statutes, and which the appropriate agency or individual has decided not to disclose to the general public.

(b) For the purposes of Subsection (b) and (c) of Section 1-84 of the general statutes, the term confidential information shall be construed to include not only information that has been recorded in some fashion (e.g., written or taped information), but also orally transmitted information (e.g., negotiations or conversations), whenever any such information falls within the terms of subsection (a) of this section.

(Effective June 16, 1993)

Sec. 1-81-16. Subsection (c) of section 1-84 of the general statutes: use of inside information prohibited

Pursuant to Subsection (c) of Section 1-84 of the general statutes, no public official or state employee shall use his public office or position to obtain financial gain for himself, his spouse, child, child's spouse, parent, brother or sister or a business with which he is associated. Under Subsection (c) of Section 1-84, it shall constitute a prohibited use of office for a public official or state employee to use previously confidential information, as defined in Sec. 1-81-15 of these regulations, acquired through state service, for the financial benefit of any person listed in Subsection (c) of Section 1-84 until either such information has been available to the general public for fifteen days or an unrelated member of the general public has made a legitimate offer regarding the economic opportunity, whichever is earlier.

(Effective June 16, 1993)

Sec. 1-81-17. Subsection (b) and (c) of section 1-84 of the general statutes: use of expertise for financial gain not prohibited

Pursuant to Subsection (b) and (c) of Section 1-84 of the general statutes, no public official or state employee may accept outside employment which will impair independence of judgment as to state duties or require or induce disclosure of confidential state information, nor may such an individual use state position or confidential information acquired through state service to obtain personal financial gain. These provisions do not, however, prevent a public official or state employee from using his or her expertise, including expertise gained in state service, for personal financial gain as long as no provision of the Code of Ethics for Public Officials, Chapter 10, Part I of the general statutes, is violated. Generally, Subsection (b) and (c) of Section 1-84 are violated when the public official or state employee accepts outside employment with an individual or entity which can benefit from the state servant's official actions (e.g., the individual in his or her state capacity has specific regulatory, contractual, or supervisory authority over the private person).

Any public official or state employee considering accepting outside employment which may be barred or restricted by Subsection (b) and (c) of Section 1-84 should seek the Commission's advice, in advance, pursuant to Subdivision (3) of Subsection (a) of Section 1-81 of the general statutes.

(Effective June 16, 1993)

Sec. 1-81-18. Subsection (d) of section 1-84 of the general statutes: "appearing" or "taking any other action" defined, permitted activities explained

(a) It shall constitute a prohibited appearance or action under Subsection (d) of Section 1-84 for any public official or state employee subject to that provision to transmit any document to or make any other contact with the listed agencies which reveals the identity of the individual to the agency in connection with any pending matter (e.g., appearing in person, submitting a document with one's signature or professional stamp, identifying oneself over the telephone, or submitting any materials with a letterhead which includes the individual's name).

(b) Notwithstanding subsection (a) of this section, it shall not be a violation of Subsection (d) of Section 1-84 of the general statutes, for a public official or state employee subject to that provision to contact a listed agency for the sole purpose of obtaining generic information (e.g., copies of current rules or regulations) unrelated to any specific client or matter, regardless of whether such action is compensated or not.

(c) Notwithstanding subsection (a) of this section, it shall not be a violation of Subsection (d) of Section 1-84 of the general statutes, for a public official or state employee subject to that provision to appear or take any other action before a listed agency on behalf of himself or herself, his or her family, a constituent, or any other individual provided that no compensation is received by the official or employee, or his or her firm or business, for the representation.

(d) Pursuant to Subsection (d) of Section 1-84 of the general statutes, the restrictions of the subsection shall not apply: (1) to the actions of any teaching or research professional employee of a public institution of higher education if such actions are not in violation of any other provision of the Code of Ethics for Public Officials; (2) to any member of a board or commission who receives no compensation other than per diem payments or reimbursement for actual expenses, or both, incurred in the performance of his or her duties; or (3) to any member or director of a quasi-public agency.

(e) Pursuant to Subsection (d) of Section 1-84 of the general statutes, the restrictions of the subsection shall not apply to a corporation, union, municipality or other entity which employs a public official or state employee but is not in the business of representing others for compensation before Subsection (d) of Section 1-84 agencies. In these instances, the provisions of the subsection shall only restrict the public official or state employee.

(f) Pursuant to Subsection (d) of Section 1-84 of the general statutes, the restrictions of the subsection shall not prohibit a legislator, an officer of the General Assembly, or part-time legislative employee from being or becoming a member of a firm, partnership, association or professional corporation which represents clients before the listed agencies, provided the individual: (1) takes no part in any matter involving a listed agency; and (2) receives no compensation from any such matter.

(Effective June 16, 1993)

Sec. 1-81-19. Subsection (i) of section 1-84 of the general statutes: open and public contract process defined

(a) Pursuant to Subsection (i) of Section 1-84 of the general statutes, no specific offer or bid procedure is required provided that the process utilized allows all or most of those persons interested in and qualified to fulfill the contract to apply and compete. For example, an advertisement of the availability of the contract in the general circulation newspapers for the area in question or in trade or professional journals directed toward the business or profession qualified to do the work in question is sufficient. In every case, all proposals considered and the contract awarded must be open and available for subsequent public inspection.

(b) Pursuant to Subsection (i) of Section 1-84 of the general statutes, the provisions of the subsection shall not apply to any public official who is appointed as a member of the executive branch or as a member or director of a quasi-public agency and who receives no compensation other than per diem payments or reimbursement for actual or necessary expenses, or both, incurred in the performance of official duties unless such official has authority or control over the subject matter of the contract.

(c) No provision of Subsection (i) of Section 1-84 of the general statutes, shall require an open and public process when a person subject to the subsection applies for or is granted a statutory benefit which by law is afforded confidentiality, e.g., public assistance provided by the Department of Income Maintenance.

(Effective June 16, 1993)

Sec. 1-81-20. Valuation of benefits

(a) Pursuant to Subsection (j) of Section 1-84 of the general statutes, no public official, state employee or candidate for public office, or member of such an individual's staff or immediate family is allowed to accept any gift from a person known to be a registered lobbyist or anyone known to be acting on behalf of a registered lobbyist.

(b) Pursuant to Subsection (m) of Section 1-84 of the general statutes, no public official or state employee serving in the executive branch or a quasi-public agency shall knowingly accept, directly or indirectly, any gift from any person the official or employee knows or has reason to know: (1) is doing business with or seeking to do business with the department or agency in which the official or employee is employed, or (2) is engaged in activities which are directly regulated by such department or agency. No person shall knowingly give, directly or indirectly, any gift in violation of this provision.

(c) Pursuant to Subsection (e) of Section 1-79 of the general statutes, certain categories of benefits are excluded from the term "Gift" if the dollar value of the benefit is limited (e.g., a certificate, plaque or other ceremonial award costing less than one hundred dollars; or food and beverage costing less than fifty dollars in the aggregate per recipient in a calendar year).

(d) In determining the value of any benefit for the purposes of Subsection (j) of Section 1-84, Subsection (m) of Section 1-84, and Subsection (e) of Section 1-79 of the general statutes, the following rules shall apply:

(1) the value of the benefit equals the cost to the donor or payor if the benefit was obtained by the donor or payor in a marketplace transaction;

(2) when (1), above, is not applicable the value equals the fair market value of the benefit as determined by its replacement cost, i.e., the cost of purchasing the same or a similar item in a marketplace transaction;

(3) when (1) and (2), above, are not applicable, the recipient may use any reasonable method to determine value (e.g., appraisal of unique item);

(4) when (1), (2), and (3), above, are not applicable, the value of the benefit is indeterminable. If the value of a benefit is indeterminable, an individual subject to Subsection (j) of Section 1-84 or Subsection (m) of Section 1-84 shall not accept the item, unless its value is clearly insignificant.

(e) Notwithstanding the valuation rules set forth in subsection (d) of this section no benefit shall be deemed to accrue to any individual unless it “. . . is directly and personally received” as required by Subsection (e) of Section 1-79 of the general statutes. For the meaning and application of the term “directly and personally received” see Sec. 1-92-54 of the Ethics Commission’s Regulations.

(f) Pursuant to Subsection (a) of Section 1-79 of the general statutes, for purposes of calculating the dollar limits under the exceptions to the term “gift” under Section 1-79 and Section 1-91, any expenditure provided by a lobbyist who is an individual shall be deemed to have also been provided by the business organization which he owns or by which he is employed, and any expenditure provided by a business organization shall be deemed to have also been provided by all owners and employees of the business organization who are lobbyists.

(Effective June 16, 1993, amended March 3, 1998)

Sec. 1-81-21. Fees and honorariums prohibited; “necessary expenses” allowed

(a) Pursuant to Subsection (k) of Section 1-84 of the general statutes, no public official or state employee shall accept a fee or honorarium for an article, appearance or speech, or for participation in an event, in his or her official capacity.

(b) Under Subsection (k) of Section 1-84 of the general statutes, a public official or state employee may, however, receive payment or reimbursement for “Necessary expenses” incident to those activities enumerated in subsection (a) of this section. Pursuant to Subsection (q) of Section 1-79 of the general statutes, “Necessary expenses” shall be limited to a public official’s or state employee’s necessary travel expenses, lodging for the nights before, of and after the appearance, speech or event, meals, and any related conference or seminar registration fees. Such necessary expense payments do not include payment of expenses for the public official’s or state employee’s family or other guests.

(Effective June 16, 1993)

Sec. 1-81-22. Definition of “in his official capacity” as used in subsection (k) of section 1-84 of the general statutes

(a) Pursuant to Subsection (k) of Section 1-84 of the general statutes, a public official or state employee is prohibited from accepting a fee or honorarium only if the activity is undertaken in one’s “official capacity.”

For example, a state employee-professor with expertise in a certain field would not be barred, under Subsection (k) of Section 1-84, from accepting a fee or honorarium for a speech, as long as the individual was selected because of his or her knowledge and expertise, not his or her state position.

(b) When a public official or state employee is asked to give a speech, make an appearance, participate in an event, or write an article, the activity shall be deemed to be in his or her “official capacity” if the public official’s or state employee’s official position or authority was a significant factor in the decision to extend the invitation. Under these circumstances, no fee or honorarium may be accepted.

(Effective June 16, 1993)

Sec. 1-81-23. Disclosure of necessary expenses; filing requirement, filing date

Pursuant to Subsection (k) of Section 1-84 of the general statutes, a public official or state employee who accepts payment or reimbursement of necessary expenses

for an article, appearance, speech or participation in an event in his or her official capacity shall disclose such to the Ethics Commission, if it includes payment or reimbursement for lodging or out-of-state travel or both. Any required disclosure must be received by the Commission within thirty days of the individual's receipt of payment or reimbursement. No disclosure shall be required, however, when the payor is the federal government or another state government.

(Effective June 16, 1993)

Sec. 1-81-24. Form of disclosure

The disclosure of any necessary expenses required pursuant to Subsection (k) of Section 1-84 of the general statutes, shall be in writing, dated, and signed under penalty of false statement by the recipient. The disclosure may be made by means of a letter or memorandum to the Commission. Alternatively, disclosure may be accomplished by using form ETH-NE, promulgated by the Commission for this purpose.

(Effective June 16, 1993)

Sec. 1-81-25. Specifics of disclosure

(a) The written disclosure of any necessary expenses required pursuant to Subsection (k) of Section 1-84 of the general statutes, shall describe with reasonable particularity any expense payment or reimbursement received. However, if not known, the filer need not include the specific dollar value of any such expense payment. For example, it shall be sufficient to disclose in the following terms: receipt of round trip coach air fare to (place) and meals and accommodations for (time period).

(b) In the case of necessary expenses received for an appearance, speech, or participation in an event, the written disclosure shall include the name of the payor, the place, date and purpose of the activity, and the date of any expense payment or reimbursement, if different.

(c) In the case of necessary expenses received for the publication of an article, the written disclosure shall include the name of the payor, the date of the payment or reimbursement and subject of the article.

(Effective June 16, 1993)

Sec. 1-81-26. Donation of fee or honorarium

Whenever a public official or state employee is prohibited under Subsection (k) of Section 1-84 of the general statutes, from accepting a fee or honorarium, it shall be permissible for the individual to direct or allow the payor to donate the fee or honorarium to any non-profit entity, provided the individual shall not receive any charitable tax deduction or other financial benefit for such act.

(Effective June 16, 1993)

Sec. 1-81-27. Gifts to the state

(a) Nothing in Subsections (j) and (m) of Section 1-84 of the general statutes, which prohibits the acceptance of gifts and nothing in Subsection (c) of Section 1-84 of the general statutes, which prohibits the use of public office or position for personal financial gain shall prohibit the State from accepting gifts of goods and services which facilitate state action or functions, pursuant to subdivision (5) of subsection (e) of section 1-79 of the general statutes.

(b) Whenever a gift to the State incidentally benefits a public official or state employee (e.g., a regulated entity paying the cost for a state regulatory employee to take a course relevant to his or her area of official expertise) the individual's

superior shall certify, in writing, to the Ethics Commission, prior to acceptance of the benefit, that the gift, in fact, facilitates state action or functions, complies with the requirements of subdivision (5) of subsection (e) of section 1-79 of the general statutes, and is sanctioned by the recipient agency, notwithstanding any potential conflict of interest. Such certification shall be required only when:

(1) the donor is an individual or entity regulated by, doing business with, or seeking to do business with the recipient agency; and

(2) the total benefit to the public official or state employee is fifty dollars or more.

(c) The certification procedure set forth in subsection (b) of this section shall be utilized only when the necessary expense disclosure procedure mandated by § 1-84(k) of the general statutes is not applicable.

(Effective June 16, 1993; amended March 3, 1998)

Part 2

Section 1-85, General Statutes

Sec. 1-81-28. Section 1-85 of the general statutes: substantial conflict of interest explained

(a) Pursuant to Section 1-85 of the general statutes, a public official or state employee has a substantial conflict and may not take official action if any expected benefit or detriment accrues solely to the individual, his or her spouse, dependent child, or a business with which he or she is associated.

For example, a state employee required, in the course of his or her official duties, to determine whether a consulting contract should be awarded to his or her spouse has a substantial conflict, and may not take official action on the matter.

For example, if a legislator is on the board of directors of a for-profit corporation, that corporation is a business with which the legislator is associated. As a result, if the corporation applied to the General Assembly for bonding, the legislator/director would have a substantial conflict, and may not take official action on the specific bonding request.

(b) Additionally, pursuant to Section 1-85 of the general statutes, a public official or state employee has a substantial conflict and may not take official action if any expected benefit or detriment accrues to the individual, his or her spouse, dependent child, or a business with which he or she is associated to a greater extent than to any other member (i.e., one or more other members) of the affected profession, occupation or group. In general, a member of an affected profession, occupation, or group may have a substantial conflict of interest when the laws regulating his or her profession, business, or industry are significantly altered. In determining whether or not a substantial conflict exists, the individual must evaluate the effect of the action on his or her interests.

For example, legislation that appears neutral on its face, e.g., a bill to allow unrestricted interstate banking in Connecticut, would create a substantial conflict for a particular legislator if he or she had a financial interest in bank stock that he or she had reason to believe or expect would be affected differently by the passage of the legislation than others in the affected group, i.e., others with a financial interest in banks. Under these circumstances, a substantial conflict would exist if, for example, the bank in which the legislator held stock had a pending merger agreement that would significantly increase the value of the legislator's stock and the merger agreement was contingent on the passage of the legislation in question. This set of facts would give the legislator reason to expect a direct monetary gain

greater than one or more other members of the affected group, since others with financial interests in banks, but without a specific pending beneficial merger agreement, would not have a reasonable expectation of similar gain.

(c) A public official or state employee has reason to believe or expect the derivation of a direct monetary gain or loss by reason of his or her official activity under Section 1-85 of the general statutes, when there is a written contract, agreement, or other specific information available to the individual which would clearly indicate to a reasonable person that such a direct benefit or detriment would accrue or when the language of the legislation, regulation or matter in question would so indicate.

(d) Under Section 1-85 of the general statutes, official action on legislation, or other state action, may affect more than one profession, occupation, or group. For example, legislation limiting all medical malpractice victims' rights to legal recovery could potentially affect the financial interests of at least three specific groups (in addition to the victims): doctors, tort-attorneys and insurers providing medical malpractice coverage. Under these circumstances, each legislator/member of all three groups could take official action on the matter, notwithstanding the expectation of direct financial gain or loss, provided that each legislator was affected no differently than the other members of his or her specific group.

(e) A public official or state employee does not have a substantial conflict in violation of Section 1-85 of the general statutes, solely by virtue of the fact that the individual, his or her spouse, dependent child, or a business with which he or she is associated derives a greater direct monetary benefit by reason of the individual's official action than one or more other affected persons, provided that the manner in which the benefit accrues is no different than the manner in which it accrues to others in the affected profession, occupation, or group. For example, a state employee serving as a member of the State Retirement Commission would not be precluded from voting on a change in pension rules that would result in a larger financial benefit to the employee than to most other affected state employees (either because the individual has a higher base salary or more years in state service than the average state employee) provided that the rule change in question applies equally to all those in the affected group.

(f) No public official or state employee shall be prohibited under Section 1-85 of the general statutes, from taking official action on any tax issue or benefit entitlement solely by virtue of the fact that the matter in question may apply different tax rates or entitlement qualifications to different groups or income levels.

(g) A public official or state employee who is prohibited from taking official action on a specific matter pursuant to Section 1-85 of the general statutes, shall not be barred from taking official action on a general matter into which the specific issue creating the substantial conflict has been incorporated, provided that the individual does not speak or otherwise provide comment on the specific issue during any debate, discussion or consideration of the general matter. For example, a legislator with a substantial conflict regarding a specific bonding or appropriations issue is not precluded under Section 1-85 from taking official action when the overall bonding package or budget comes before his or her committee or the General Assembly for consideration.

(h) A public official or state employee who has reason to believe that he or she may have a substantial conflict of interest under Section 1-85 of the general statutes, and Sections 1-81-29 subsections (a) through (g) of these regulations shall either abstain from taking official action on the matter as provided for in Section 1-85 or, prior to taking any such official action, seek guidance from the Commission, pursuant

to Subdivision (3) of subsection (a) of Section 1-81 of the general statutes, to determine whether or not an actual substantial conflict exists.

(Effective June 16, 1993)

Part 3

Section 1-86, General Statutes

Sec. 1-81-29. Subsection (a) of section 1-86 of the general statutes: procedure for avoiding a conflict of interest detailed

Pursuant to Subsection (a) of Section 1-86 of the general statutes, whenever a public official or state employee, other than an elected state official, is required to inform his or her immediate superior of a potential or substantial conflict of interest, the superior shall assign the matter in question to another who is not subordinate to the individual with the conflict.

(Effective June 16, 1993)

Sec. 1-81-30. Subsection (a) of section 1-86 of the general statutes: definitions

For purposes of Subsection (a) of Section 1-86 of the general statutes:

(a) An interest of a de minimis, i.e., insignificant, nature is an interest resulting in a financial gain or loss of less than one hundred dollars per person per year.

(b) A substantial segment of the general public is greater than one's profession, occupation, or group as those terms are used in Section 1-85 of the general statutes. Consistent with the commonly understood usage of the term, a substantial segment of the general public is a considerable or large part of the general public, e.g., all licensed drivers, all homeowners, all parents, etc.

(c) A member of a state regulatory agency is a member of any commission, board, council, authority or other similar body which is authorized by law to regulate, i.e., control, administer, or oversee, any profession, occupation, industry, activity, fund, endeavor or area of conduct.

(Effective June 16, 1993)

Article 3

Post-State Employment Provisions Sections 1-84a and 1-84b, General Statutes

Part 1

Section 1-84a, General Statutes

Sec. 1-81-31. Confidential information defined

Pursuant to Section 1-84a of the general statutes no former executive or legislative branch or quasi-public agency official or state employee shall disclose or use confidential information acquired in the course of and by reason of his or her official duties for the financial benefit of any person.

For the purposes of Section 1-84a, the term confidential information shall have the same meaning as when used in Subsection (b) and (c) of Section 1-84 of the general statutes. The term confidential information is defined in Sec. 1-81-15 of these regulations.

(Effective June 16, 1993)

Part 2

Section 1-84b, General Statutes

Sec. 1-81-32. Subsection (a) of section 1-84b of the general statutes: substantial participation defined

Pursuant to Subsection (a) of Section 1-84b of the general statutes, no former executive branch or quasi-public agency public official or state employee shall represent anyone other than the State concerning any particular matter in which he or she participated personally and substantially while in state service, if the State has a substantial interest in the matter.

For the purposes of Subsection (a) of Section 1-84b, substantial participation in a particular matter shall be construed to mean participation that was direct, extensive and substantive, not peripheral, clerical or ministerial.

(Effective June 16, 1993)

Sec. 1-81-33. Subsection (a) of section 1-84b of the general statutes: represent defined

For the purposes of Subsection (a) of Section 1-84b of the general statutes, represent shall be construed to include any action whatsoever regarding any particular matter, except that no former public official or state employee:

(a) Shall be prohibited from testifying on behalf of a party other than the State in any matter in any forum, if the individual has been properly subpoenaed to so testify and receives only statutory witness fees.

(b) Shall be prohibited from engaging in work that is technical in nature and that involves no matter at issue between the State, or any other party, and the entity that the individual is representing, e.g., work implementing a previously agreed upon contract between the private entity and the State.

(Effective June 16, 1993)

Sec. 1-81-34. Subsection (a) of section 1-84b of the general statutes: prohibitions apply to individual, not employer

The prohibitions of Subsection (a) of Section 1-84b of the general statutes, apply to former executive branch and quasi-public agency officials and state employees. The provisions shall not be construed to prohibit the former official's or employee's private employer from engaging in any representation that the former official or employee could not undertake, provided that the former official or employee shall not receive any compensation or profit resulting from the representation.

(Effective June 16, 1993)

Sec. 1-81-35. Subsection (a) of section 1-84b of the general statutes: substantial interest defined

For the purposes of Subsection (a) of Section 1-84b of the general statutes, the State shall be deemed to have a substantial interest in a matter whenever the finances, health, safety, or welfare of the State or one or more of its citizens will be substantively affected by the outcome.

(Effective June 16, 1993)

Sec. 1-81-36. Subsection (a) of section 1-84b of the general statutes: provision stated, interpretations and applications to be found in commission advisory opinions

Pursuant to Subsection (a) of Section 1-84b of the general statutes, no former executive branch or quasi-public agency public official or state employee shall, for

one year after leaving state service, represent anyone, other than the State, for compensation before the department or agency in which he or she served at the time of termination of service, concerning any matter in which the State has a substantial interest.

Guidance as to the parameters of Subsection (a) of Section 1-84b of the general statutes, should be sought in Commission advisory opinions issued pursuant to Subdivision (3) of Subsection (a) of Section 1-81 of the general statutes and published in the Connecticut Law Journal.

(Effective June 16, 1993)

Sec. 1-81-37. Subsections (c) and (d) of section 1-84b of the general statutes: Subject positions identified

The positions designated pursuant to subsections (c) and (d) of Section 1-84b of the general statutes, are listed in sec. 1-92-40a and 1-92-40 of the Ethics Commission's regulations, respectively.

(Effective June 16, 1993, amended March 3, 1998)

Sec. 1-81-38. Subsections (f) and (g) of Section 1-84b of the general statutes: Definitions provided

(a) For the purposes of subsections (f) and (g) of Section 1-84b of the general statutes, substantial participation shall be construed to mean participation that was direct, extensive and substantive, not peripheral, clerical or ministerial.

(b) For the purposes of subsections (f) and (g) of Section 1-84b of the general statutes, the term contract shall be deemed to include, but shall not be limited to, any contract implementing a state grant or award of fifty thousand dollars or more.

(c) Notwithstanding subsection (b) of this section, the provisions of subsections (f) and (g) of Section 1-84b of the general statutes, shall not be deemed to apply to any grant which is determined solely by statutory formula.

(d) For the purposes of subsections (f) and (g) of Section 1-84b employment shall include work as in independent contractor.

(e) For the purposes of Subsection (f) of Section 1-84b of the general statutes, the term resignation shall be construed according to its commonly understood meaning, i.e., the giving up of an office or position. Specifically, in keeping with the legislative intent of the subsection, resignation shall be interpreted to include all forms of separation from state service.

(Effective June 16, 1993, amended March 3, 1998)