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ADVISORY OPINION NUMBER 78-4

"Administrative Action" in Public Act Number 77-605

The Ethics Commission has been asked the effect of Public Act Number 77-605 in the case of a licensed person who is ordered to appear before his State licensing agency to show cause why his license, necessary to practice his profession, should not be suspended or revoked. The specific questions were whether the licensed person and his representative were required to register as lobbyists, and whether the revocation of a license could be "administrative action" within the Act.

Only "lobbyists", as defined in the Act, must register. Section 5, Public Act Number 77-605. A "lobbyist" is a person who, in furtherance of lobbying, receives or expends, or a combination of both, a threshold amount of money in a calendar year. Section 1(1), Public Act Number 77-605. The Act, in Section 1(k), defines "lobbying" as communicating with an official or his staff in the legislative or executive branch of government for the purpose of influencing legislative or administrative action.

The licensing agency is obviously an administrative, not a legislative, body. Section 1(e), Public Act Number 77-605. "Administrative action" is defined in terms of action of broad effect. It is "action or non-action of any executive agency of the state with respect to the amendment, adoption or repeal of any rule, regulation, rate hearing or guideline." Section 1(a), Public Act Number 77-605.

The suspension or revocation of an individual's license being none of these, neither the licensed person nor his representative would be attempting to influence administrative action when he appeared before the licensing agency concerning suspension or revocation of the individual's license. This result is spelled out specifically in the Act by excepting from the definition of lobbyist "an individual representing himself or another person before...a state agency other than for the purpose of influencing...administrative action." Section 1(1)(3), Public Act Number 77-605.

The Act, therefore, has excepted from its registration requirements the individual, and his representative, who appears before a licensing agency to show cause why the individual's license to practice his profession should not be suspended or revoked.

By order of the Commission:

Mar. 7, 1978
Dated



Marilyn P. A. Seichter
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