



STATE OF CONNECTICUT
STATE ETHICS COMMISSION

ADVISORY OPINION NO. 87-14

Application of Subsection 1-84b(b), General Statutes

The State's Commissioner of Economic Development has requested an advisory opinion concerning the application of section 1-84b, General Statutes. Specifically, he has asked how that section would apply if, within one year after leaving State service with the Department of Economic Development, a former official or employee sought a loan, grant, contract, program approval, or tax abatement from a Departmental program on behalf of a business or municipality for which the individual worked as an employee or representative.

Enacted in 1983 to become effective January 7, 1987, Section 1-84b contains the principal revolving door provisions of the Code of Ethics for Public Officials, Chapter 10, Part I, General Statutes. The provision relevant to the question posed is subsection 1-84b(b), *id.* which states "No former executive branch public official or state employee shall, for one year after leaving state service, represent anyone, other than the state, for compensation before the department, agency, board, commission, council or office in which he served at the time of his termination of service, concerning any matter in which the state has a substantial interest." This subsection was promulgated in order to prevent former executive branch officials and employees from using contacts and influence gained during State service to obtain improper advantage in their subsequent compensated dealings with their former agency. It was thought that a one year prohibition on such activity would allow time for the contacts and influence to fade, while not unduly restricting the former State servant's ability to earn a living.

Connecticut's basic rule of statutory construction ("In the construction of the statutes, words and phrases shall be construed according to the commonly approved usage of the language...." Subsection 1-1(a), General Statutes) and the purpose behind the enactment of 1-84b(b) lead to an unambiguous answer to the instant question: one cannot engage in the conduct described in the request without violating subsection 1-84b(b), *id.* Specifically, both a business and a municipality

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are entities "other than the state" as that term is used in the subsection. Secondly, the phrase "represent...for compensation" clearly encompasses all forms of paid representation, whether as a regular employee or a retained advocate, i.e., an independent contractor. In this context, representation before the department includes any activity which will reveal the former State servant's identity to his former agency: appearing in person, signing a document, identifying oneself over the telephone, etc. See, Ethics Commission Advisory Opinion No. 87-8, 49 Conn. L.J. No. 4, p. 1C (July 28, 1987). Lastly, all the matters listed in the request for advice (loans, grants, contracts, program approvals, and tax abatements) are ones in which the state "...has a substantial interest", for all involve decisions allocating finite resources and possibly affecting the economic well-being of the State.

In summary, a former official or employee of the Department of Economic Development, who has left the agency after January 7, 1987, may not, for compensation, represent a business or municipality before his former agency for the purpose of obtaining a loan, grant, contract, program approval, or tax abatement, for a period of one year after leaving State service, without violating subsection 1-84b(b), General Statutes.

By order of the Commission,

William A. Ehrlich
Vice-Chairman

Dated 10/15/87