



STATE OF CONNECTICUT  
STATE ETHICS COMMISSION

ADVISORY OPINION NO. 90-27

Application of Conn. Gen. Stat. §1-84b(d) to a State Grant  
Implemented by Contract

Mr. Anthony P. Brescia, a development agent in the Small Business Division of the Department of Economic Development (DED), has asked the Ethics Commission how the post-state employment provisions of the Code of Ethics apply to a potential job opportunity he is considering.

In his state position Mr. Brescia has been involved with a "Business Outreach Center Challenge Grant Program" administered by DED. Specifically, according to his request for advice, Mr. Brescia guided the application process for the grant program from the time of the initial group meeting of all potential applicants through the announcement by the Commissioner of the grant awards. As part of these duties, Mr. Brescia was the leader of the team which reviewed all twenty-three applications received by the Department, and he presented the team's assessment of the applications to the Commissioner. As a result of this process, seven Connecticut organizations were awarded grants totalling 2.49 million dollars. (The individual grants range from \$139,000 to \$450,000.) Contracts between DED and the successful grant applicants are now being prepared by the Agency. Mr. Brescia is not involved in this facet of the process.

Mr. Brescia would now like to apply for a position with one of the grant recipients, managing the program to be established with the funds granted. He wishes to know whether such employment is permitted by the Code. If so, he further asks what restrictions would apply to his interaction with DED on behalf of the grant recipient/employer.

Under Connecticut General Statutes §1-84b(d):

No former public official or state employee who participated substantially in the negotiation or award of a state contract obliging the state to pay an amount of fifty thousand dollars or more, or who supervised the negotiation or award of such a contract,

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shall accept employment with a party to the contract other than the state for a period of one year after his resignation from his state office or position if his resignation occurs less than one year after the contract is signed.

When, as in this instance, the award of a state grant directly results in, and in fact necessitates, a contract (Grant Assistance Agreement) between the State and the grantee, the Commission will view the grant/contract process as a unitary one. As a result, it will apply §1-84b(d) to any public official or state employee who participated substantially in or supervised any substantive aspect of the negotiation or award process. See, e.g., Ethics Commission Advisory Opinion No. 89-29, 51 Conn. L.J. No. 17, p. 5C (October 24, 1989). To hold otherwise would vitiate §1-84b(d) by allowing those individuals most directly responsible for the transfer of state funds to a non-state entity to escape the proscription of the statute.

Applying the Commission's interpretation of §1-84b(d) to Mr. Brescia's situation, it is clear that, as leader of the group which received, reviewed and assessed the grant applications, he falls squarely within the parameters of the statute. Therefore, for one year from the date a Grant Assistance Agreement is signed he may not accept employment with the grant recipient party to that contract. This being the case, Mr. Brescia's additional queries are moot.

By order of the Commission,

*Rabbi Michael Menitoff*

Rabbi Michael Menitoff  
Chairperson

Dated 7-30-90