



STATE OF CONNECTICUT

STATE ETHICS COMMISSION

ADVISORY OPINION NO. 90-4 (AMENDED)

Reporting of Gifts

In a recent advisory opinion, Ethics Commission Advisory Opinion No. 90-4, the Commission answered a series of questions posed by Ms. Patricia LeShane regarding the reporting of gifts under the Code of Ethics for Lobbyists. One answer in Advisory Opinion No. 90-4 was predicated, in part, on inaccurate and incomplete information supplied by Ms. LeShane, and requires amendment.

The request for advice was based on Sullivan and LeShane Public Relations, Inc.'s annual rental of one seat in a four seat package at the Coliseum Club of the Hartford Civic Center. The specific question and answer at issue, as stated in Advisory Opinion No. 90-4, are as follows:

1. Under the Code of Ethics for Lobbyists, Conn. Gen. Stat. Chapter 10, Part II and Commission regulations...b. What is the relationship and reporting obligation if one of the other three seat holders entertains a reportable individual when they use the fourth ticket? The other seat holders are "teamed" with Sullivan and LeShane Public Relations, Inc. for the purpose of obtaining a block of seats, but are separate purchasers of individual seats....

1.b. If one of the other three seat holders "teamed" with Sullivan and LeShane Public Relations, Inc. uses the public relations firm's seat to allow a reportable individual to attend an event, the public relations firm, which paid for the seat, has made an expenditure for the benefit of the individual which triggers the Code's reporting requirement....

In the Commission's opinion, the reporting of such expenditures is an unfortunate consequence, since, in actuality, a seat holder other Sullivan and LeShane is hosting the individual. The necessity

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of this reporting can be eliminated, however, by having the other seat holder pay Sullivan and LeShane Public Relations, Inc., in advance or at the time of the event, for the use of its seat.

Ethics Commission Advisory Opinion No. 90-4, 51
Conn. L.J. No. 32, p. 4C (February 6, 1990).

The above answer was based on Ms. LeShane's November 2, 1989 request for advice, which included a copy of the Coliseum Club "Seat Use and Membership Agreement." Ms. LeShane's correspondence, however, did not reveal the fact that the four seat holders in question had entered into a separate agreement regarding their Coliseum Club seats. Specifically, according to a February 29, 1990 letter from Mr. Patrick Sullivan to the Ethics Commission, "We purchased our seat in conjunction with three other individuals. Our agreement at the outset was that we would relinquish the right to our seat for three out of four events. Four seats would then be available to us every fourth event."

In essence, Sullivan and LeShane Public Relations, Inc. has traded the right to use one seat at each Civic Center event for the right to use four seats at every fourth event. As a result, the firm has no ownership or usage rights to the seats on the other occasions. Therefore, if another seat holder entertains a state official, or other reportable person, when using the seats, no Lobbyist Code disclosure is required of Mr. Sullivan or Ms. LeShane.

Finally, contrary to all indications in Ms. LeShane's request for advice, another of the four seatholders, Mr. Brendan Kennedy, is a registered lobbyist. Consequently, the gift limits and reporting requirements of the Code of Ethics for Lobbyists also apply when Mr. Kennedy hosts a public official, state employee, candidate for public office, or member of such individual's staff or immediate family, at a Civic Center event.

The answers to the other questions posed in A.O. 90-4 are not affected by this Opinion and are, hereby, affirmed.

By order of the Commission,


Rabbi Michael Menitoff

Rabbi Michael Menitoff
Chairperson.

Dated 5-7-90