



STATE OF CONNECTICUT

STATE ETHICS COMMISSION

ADVISORY OPINION NUMBER 91-16

Application of §1-84(i) To Public Service Corporations

The applicant, on behalf of the Department of Health Services (Health Department), has requested an advisory opinion on the subject of whether The New England Council for Emergency Medical Services, Inc. (Council), a non-profit, non-stock corporation, is a governmental entity excluded from Conn. Gen. Stat. §1-79(b), which defines "[b]usiness with which he is associated." See Ethics Commission Advisory Opinion No. 90-29, 52 Conn. L.J. No. 14, p. 3D (October 2, 1990). The applicant is an Acting State Director of the Council and the Council's president is an employee of the Health Department's office of Emergency Medical Services. The Health Department proposes to enter into a contract with the Council, and wishes to avoid the requirement of Conn. Gen. Stat. §1-84(i) that contracts between the State and a business with which a state employee is associated be awarded through an open and public process.

The purpose of the Council is, by the applicant's description, "to promote cooperation and coordination among the six New England states for development of emergency medical critical care systems," and its membership includes numerous public officials and state employees from several states. However, the Council has not been designated a "quasi-public agency" pursuant to Conn. Gen. Stat. §1-79(1), nor is the Council a department, agency, board, commission, council, division or office of any branch of Connecticut state or municipal government. The Council, rather, is classified a 501(c)(3) corporation for IRS purposes. Consequently, it is in the same category as charities, non-profit museums and educational institutions, which the Commission has previously ruled are included within the definition of "[b]usiness with which . . . associated" for purposes of the Code (See Ethics Commission Advisory Opinion No. 90-29, supra). The Health Department, therefore, cannot avoid the requirements of Conn. Gen. Stat. §1-84(i) with respect to the Council.

The Commission notes that pursuant to a legislative amendment proposed by the Commission and currently being considered by the General Assembly, a state employee would not be deemed to be associated with a not for profit entity, such as

the Council, solely by virtue of being an unpaid director or officer of the entity. Unless and until such a change is effected, the Commission must rule as above.

By order of the Commission,

Rabbi Michael Menitoff

Rabbi Michael Menitoff
Chairperson

Dated 5-6-91