



STATE OF CONNECTICUT  
STATE ETHICS COMMISSION

ADVISORY OPINION NO. 92-12

Application Of The Code's Fee and Honorarium  
Restriction To Outside Work Utilizing One's Expertise

Representative Jonathan Pelto has asked the Ethics Commission whether he may accept an honorarium for speaking to a group of corporate executives on the subject of trends in the American legislative process.

In his request for advice, Representative Pelto states that "I am not being asked to speak to this event because I am a Connecticut State Representative, but because my area of professional expertise is the American legislative and political process." Specifically, Representative Pelto notes his work background as Political Director for the Connecticut State Democratic Central Committee. Additionally, he points to his educational background in the field of legislative affairs; with a bachelor's degree in public policy development and a nearly complete master's degree in political science. Finally, the Representative states that he has lectured frequently on American politics and the American legislative process, including trips to Finland in 1989 and 1990 to speak on these subjects.

Under the Code of Ethics for Public Officials, Connecticut General Statutes, Chapter 10, Part I, no public official may "...accept a fee or honorarium for an article, appearance or speech, or for participation in an event, in his official capacity." Conn. Gen. Stat. §1-84(k) (effective October 1, 1991). The legislative history of this provision delineates the intended limits of the subsection with regard to the question under review. Specifically, the debate in the House makes clear that a state servant, with outside expertise in a particular field, would not be barred by §1-84(k) from accepting a fee or honorarium for work utilizing this expertise. See, \_\_\_\_\_ H.R. Proc., part \_\_\_\_\_, 1991 Sess. pps. 470--472 (June 4, 1991).

In this instance, of course, the field of expertise in question, the American political and legislative process, is largely congruent with the official responsibilities of the public official, a member of the General Assembly. Notwithstanding this complicating factor, however, the Commission believes the underlying logic of the legislative history remains undisturbed. To hold otherwise would be to single out one area of expertise, government and politics, and render legislator/practitioners virtually unemployable in the private sector. Consequently, where, as here: 1. the legislator can demonstrate outside academic and/or professional credentials in a particular field; and 2. there is no indication that the individual's official position was a significant, *i.e.*, determinative factor in the decision to offer the honorarium, the activity will not be prohibited by §1-84(k) of the Code.

Finally, it should be noted that the Connecticut corporation which would provide the honorarium in question is a registered lobbyist. This fact, however, does not alter the Commission's conclusion. As the Ethics Commission has previously stated, "the ranks of Connecticut's lobbyists include many of the State's largest business entities, trade associations, unions, and other non-profit organizations, as well as hundreds of individuals paid to represent these entities. Consequently, whether as clients and customers or as employers, the State's registered lobbyists undoubtedly have myriad economic relationships with Connecticut's one hundred and eighty-seven legislators. Simply stated, given Connecticut's system of a part-time, citizen legislature, such economic interaction is a virtual necessity for many members of the General Assembly." Ethics Commission Advisory Opinion No. 91-7, 52 Conn. L.J. No. 40, p. 3C (April 2, 1991).

Therefore, as set forth in Advisory Opinion No. 91-7, the Commission will continue to bar or restrict such activity only when: 1. there exists evidence of an improper quid pro quo for official action; 2. the transaction is lacking in fiscal rationality and is, therefore, tantamount to an illegal gift; 3. the activity involves a specific and unavoidable conflict of interest; or 4. the financial relationship otherwise suggests misuse of office, impairment of official judgment or an improper attempt to influence legislative action.

In applying these criteria to the situation under review, it is particularly important to note, under criterion no. 2, supra, that the work in question would be most accurately characterized as outside consulting for a fee. As such, it is clearly distinct from the traditional, politically inspired honorarium

where, not infrequently, little more than an appearance is made in return for an, often significant, payment.

Consequently, since there is no indication that any of the above criteria have been or will be breached in this instance, Representative Pelto may, with propriety, undertake and be compensated for the work in question.

By order of the Commission,



Astrid I. Hanzalek  
Astrid I. Hanzalek  
Chairperson

Dated 4-6-92

