



STATE OF CONNECTICUT
STATE ETHICS COMMISSION

ADVISORY OPINION NO. 92-23

Division Of Special Revenue Employees Gambling At A
Regulated Entity

The Division of Special Revenue has an internal policy which prohibits Division employees from participating in gaming activities administered and/or regulated by the Division. In a prior Ethics Commission advisory opinion, Advisory Opinion No. 92-22, the Commission concluded that the Division's role of licensing employees and suppliers of the Foxwoods Casino (the Casino) operated by the Mashantucket Pequot Tribe's Gaming Enterprise is regulatory in nature. Based on that ruling, the Executive Director of the Division, Attorney Robert W. Werner, has asked if the Code of Ethics for Public Officials would then prohibit Division employees from gambling at the Casino.

In general, the conflict of interests sections of the Code of Ethics for Public Officials do not govern the activities of state officials or employees who are involved in uncompensated outside activities. See Conn. Gen. Stat. §§1-84, 1-85, and 1-86. In previous rulings, the Commission has applied Conn. Gen. Stat. §1-84(b) to situations where state officials or employees are involved with an entity subject to regulation by their department or agency. The Commission has stated that conflicts of interests, both real and apparent, are almost inevitable when a State employee accepts outside employment with an entity which can benefit from the employee's official actions. See, e.g., Ethics Commission Advisory Opinion No. 88-14, 50 Conn. L.J. No. 15, p. 1D (Oct. 11, 1988). (§1-84(b) prohibits a public official or state employee from accepting outside employment which would impair his independence of judgment as to official duties or require or induce disclosure of confidential information acquired in state service.)

In essence, the Ethics Commission would have to conclude that gambling at the Casino is considered to be outside employment in order to prohibit the activity. Otherwise, the Commission would not have the authority to prohibit such conduct, even if it would create an appearance of impropriety.

In prior advisory opinions, the Commission has stated that the term "employment" means work which is compensated. See, e.g., Ethics Commission Advisory Opinion No. 84-17, 46 Conn. L.J. No. 26, p. 3D (December 25, 1984). The generally understood meaning of the term "employment" or phrase "work for compensation" implies a means by which one earns one's livelihood rather than a recreational activity. Therefore, unless a Division employee was considered to be a professional gambler in attendance at the Casino in order to supplement his or her income, the Commission may not prohibit the individual from engaging in a purely recreational activity, i.e., gambling for enjoyment, at the Foxwoods Casino.

The Division of Special Revenue, however, is not precluded by this Opinion from establishing additional personnel policies for its employees including such a gambling ban, whenever it deems such policies necessary and appropriate.

By order of the Commission,



Christopher T. Donohue
Chairperson

Dated 12-7-92