

CONNECTICUT STATE ETHICS COMMISSION
30 TRINITY STREET
HARTFORD, CONNECTICUT 06115



Rev. Thomas J. Lynch, *Chairman*
George S. Writer, Jr., *Vice-Chairman*

~~XXXXXX~~

Sheila M. Hennessey

John M. Lupton

Robert W. MacGregor

~~XXXXXX~~

Rev. Samuel White

ADVISORY OPINION NUMBER 79-19

Appearances by a Public Official
before a Municipal Agency

A State legislator who is also an attorney has asked whether there is any impropriety in his representing others before municipal boards and commissions, including town planning and zoning commissions, whether or not the boards or commissions are agencies of municipalities within the assembly district from which the legislator is elected.

Members of the General Assembly are restricted in their activities with regard to the State legislature. Sections 1-102 and 2-16, General Statutes. As public officials (section 1-79(j), General Statutes), members of the General Assembly are prohibited from the activities described in section 1-84, General Statutes. Of particular pertinence is subsection 1-84(d), which lists a number of State agencies before which a public official may not represent others for compensation. The potential for a conflict of interest is clear when a State agency is involved, for the public official might be able to influence unduly the staffing, the budget, or the very existence of the agency.

The same subsection, however, declares that "[n]othing in this subsection shall prohibit any employment, appearing, agreeing to appear or taking action before any municipal board, commission or council". Subsection 1-84(d), General Statutes (emphasis supplied). Ordinary rules of statutory construction would yield the conclusion that a prohibition against representing others before a number of listed agencies permitted public officials to represent others before State agencies not listed and agencies of levels of government other than the State. The General Assembly apparently wished there to be no doubt that it is legal and proper for public officials to represent others before municipal bodies.

The general provisions of section 1-84, above, still apply to a General Assembly member who represents others before a municipal board or commission. For example, he may use neither his office nor confidential information received through his holding public office to advance his cause before the municipal body. Absent such prohibited activity, it is perfectly proper for a member of the General Assembly to represent others before any municipal agency. Cf. Ethics Commission Advisory Opinions 78-29, 40 Conn L.J. No. 26, p. 11 and 79-7, 40 Conn. L.J. No. 38, p. 27. The agency may be a

part of a municipality within or without the legislator's district
and the representation may be for compensation or not.

By order of the Commission,



Rev. Thomas J. Lynch
Chairman

Dated July 20, 1979