

CONNECTICUT STATE ETHICS COMMISSION
30 TRINITY STREET
HARTFORD, CONNECTICUT 06115



Rev. Thomas J. Lynch, *Chairman*
George S. Writer, Jr., *Vice-Chairman*
~~James F. Foy~~
Sheila M. Hennessey
John M. Lupton
Robert W. MacGregor
~~George S. Writer, Jr.~~
Rev. Samuel L. White
Lucille E. Brown

ADVISORY OPINION NUMBER 79-24

Possible Conflicts of Interest Involving State Policemen

Two State policemen have asked whether the Code of Ethics for Public Officials and State Employees prevents them from participating in certain activity in addition to their service on the State Police force. One State Police officer is considering serving on a municipal shell-fish commission. The other wishes to be certified by the State as a building official. The latter's interest is in certification only. He is not contemplating employment as a building official at this time.

State policemen are "State employees" as defined in subsection 1-79(k), General Statutes and are, therefore, subject to the provisions of section 1-84, General Statutes, applicable to State employees.

Establishment of local shell-fish commissions and their authority and duties are set forth in section 26-257a, General Statutes. A local shell-fish commission issues licenses for, and regulates, the taking of shell-fish from all shell-fisheries and shell-fish grounds under its charge. Subsection 26-257a(b), General Statutes. It establishes policy only. Its regulations are enforced by others, not including the State Police. Nothing in the Code of Ethics for Public Officials and State Employees appears to prevent a State policeman from being appointed to, and carrying out the duties assigned a member of, a local shell-fish commission. (If the position is gained in a political partisan election the State Police officer, a classified State employee, would have to ensure compliance with subsection 5-266a(b), General Statutes, administered by the Commissioner of Administrative Services.)

The State Building Inspector and the Building Code Standards Committee, with the approval of the Commissioner of Public Safety, establish that applicants for certification as building officials meet the qualifications set forth in section 19-397, General Statutes. Section 19-397a, *id.* Both the State Building Inspector and the Committee are within the Department of Public Safety. Section 19-395, *id.* The former holds a classified State position. Members of the latter are appointed by the Commissioner of Public Safety. Section 19-395f, *id.*, as amended by section 6, Public Act No. 79-560.

There appears to be nothing in the Code of Ethics for Public Officials which suggests that a State policeman should not seek certification as a building official. The Division of State Police is, of course, in the Department of Public Safety, and the Commissioner of Public Safety is the administrative head and commanding officer of the Division. Subsection 28e-1(b), General Statutes. There is, however, no relationship between the police officer's office and those held by his examiners other than that they are in the same Executive Department. A State policeman who is examined for certification as a building official does appear before persons who belong to the same Executive Department, some of whom are appointed by his commanding officer. This no doubt exposes the examiners to the danger of a charge of cronyism if they certify a State Police officer to be qualified as a building official. As previously noted, however, there is no relationship, supervisory or otherwise, between the office held by the applicant and the offices of the examiners. The qualification and certification standards for building officials are established by statute. So long as the certification program is properly administered and supervised, the current position of an applicant should not unduly influence the certification process. As a result of the reorganization of the Executive Branch since 1977 there are bound to be a number of instances where applicants and those from whom they seek administrative action have a common superior other than the Governor. Provided statutory standards exist and administrative procedures are adequate, State personnel should not be disadvantaged by the consolidation of State agencies into a smaller number of departments. In any event, circumstances such as those presented here do not appear to violate the Code of Ethics for Public Officials and State Employees.

By order of the Commission,



Rev. Thomas J. Lynch
Chairman

Dated October 5, 1979