

CONNECTICUT STATE ETHICS COMMISSION
30 TRINITY STREET
HARTFORD, CONNECTICUT 06115



Rev. Thomas J. Lynch, *Chairman*
George S. Writer, Jr., *Vice-Chairman*
~~James P. ...~~
Sheila M. Hennessey
John M. Lupton
Robert W. MacGregor
Gerard M. Peterson

ADVISORY OPINION NUMBER 79-6

Appearances by a Public Official before
a Section 1-84(d) Agency

A member of the General Assembly who is a practicing attorney has asked whether, on behalf of a client, he may file with the Division of Liquor Control applications for liquor permits and requests for permission to transfer stock, and perform other routine matters which do not require any appearance before the Division of Liquor Control or do not require any hearing.

A legislator is a public official, as defined by the Code of Ethics for Public Officials. Section 1-79(j), General Statutes. That Code forbids a public official to accept compensation for "appearing, agreeing to appear, or taking any other action on behalf of another person before ... the division of liquor control within the department of business regulation ... ; provided this shall not prohibit [a public official] from making inquiry for information on behalf of another ... if no fee or reward is given or promised in consequence thereof." Section 1-84(d), *id.* Assuming that the member of the General Assembly would be compensated for his services to his client, the question is whether filing the application or request, or performing other routine matters not involving hearings or appearances before the Division, amounts to "appearing, agreeing to appear, or taking any other action on behalf of another person".

The purpose of barring public officials and State employees, and their employees, from representing others for compensation before the agencies listed in section 1-84(d), *supra*, is to insulate the actions and decisions of those agencies from even the appearance of undue influence, whether the influence is the consequence of cronyism or the possibility of punitive or preferential legislative or administrative action. The risk of undue influence could exist as soon as it was known that a public official represented an applicant before the Division of Liquor Control. Therefore, the public official's signature should not appear on an application or other document presented to the Division. "Appearing" in section 1-84(d), *supra*, refers to an appearance in the sense of section 41, Connecticut Rules of Practice, rather than a corporal presence before the Division. As soon as a representative of an applicant or petitioner before the Division is identified as a public official, the risk which section 1-84(d), *supra*, was intended to avoid would arise.

It would be a violation of section 1-84(d) for a legislator representing someone for compensation with regard to a matter before the Division of Liquor Control to disclose in any way the representation. In interpreting essentially the same provision as that contained in section 1-84(d), supra, the Joint Legislative Ethics Committee concluded that merely preparing an application to be submitted to an agency listed in former section 1-66(d), General Statutes, would not be a violation but that any participation by a legislator or his associates beyond that point probably would constitute a violation. See Minutes of the Meeting of the Joint Legislative Ethics Committee, March 14, 1975. The Ethics Commission concurs in the interpretation, noting that the legislator could assist in the preparation of, or prepare, an application or petition but could not sign or submit it. The latter actions would constitute "appearing" or "taking any other action on behalf of another person" before the agency and are prohibited.

By order of the Commission,



Rev. Thomas J. Lynch
Chairman

Dated March 8, 1979