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ADVISORY OPINION NUMBER 79-8

Application of the Code of Ethics for
Public Officials to a Legislator

A legislator with various interests has sought advice on the impact on his interests made by the Code of Ethics for Public Officials. The legislator is a practicing attorney and a partner in a law firm. He has asked how to determine what clients of his partnership should be listed in his Statement of Financial Interests, to be submitted pursuant to section 1-83(b)(1)(B), General Statutes. Next, he has asked whether his office may represent a lobbyist, or at least, represent a lobbyist who was a client before the attorney was elected to the General Assembly. Additionally, could he complete a case in which he represented a lobbyist if he was unaware his client was a lobbyist when he accepted the case. Finally, he has asked what are the implications of the Code regarding his status as a 15 per cent owner of a joint venture which owns an office building, one or more areas in which are leased to the State.

Members, and members-elect, of the General Assembly are public officials. Section 1-79(j), General Statutes. Along with many other public officials members are required to file annually a Statement of Financial Interests containing, among other things, "the names and addresses of specific clients and customers who provide more than five thousand dollars of income, amounts of income not to be specified". Section 1-83(b)(1)(B), *id.* This presents little problem to the sole practitioner or sole proprietor, but its application to someone who owns only part of a business entity is less clear. In interpreting another provision concerning Statements of Financial Interests, the Ethics Commission determined that the General Assembly manifested, in the statute, an intent to intrude into the personal financial affairs of public officials only the minimum necessary to accomplish the statute's purpose. See State Ethics Commission Advisory Opinion Number 79-5, 40 Conn. L.J. No. 36, p. 18. In the case at hand, this intent seems to require that there be a relationship between the income a client supplies the partnership and the partner's interest in the firm. Therefore, a client need not be listed unless there is (1) a direct and causal connection between a client's payment or payments to the partnership and an increase in the net, personal income of the partner and (2) such payment or payments result in more than five thousand dollars net income to the partner who, as a legislator, has to file the Statement of Financial Interests.

There is nothing in the Code of Ethics for Public Officials or the Code of Ethics for Lobbyists (Parts I and II, respectively, Chapter 10, General Statutes) which would prevent a legislator from being an attorney for a lobbyist. As other public officials, the legislator may not represent his clients before the State agencies listed in section 1-84(d), General Statutes. Additionally, he may not represent his clients before the General Assembly except under certain circumstances, section 2-16, *id.*, and the provisions of section 1-84, *id.*, impose restrictions in addition to those listed in section 2-16 insofar as lobbying the legislature is concerned. Since there is no general ban on a legislator acting as an attorney for a lobbyist, only limited restrictions, it is of no consequence when the lobbyist became a client of the public official, before or after the latter was elected to office. For the same reason, it does not matter when in the case the attorney learned his client was a lobbyist.

A joint venture in which the legislator has a 15 per cent interest is a "business with which he is associated." Section 1-79(a), *id.* A lease is a contract. Robinson v. Weitz, 171 Conn. 545 (1976). In complying with the requirements of section 1-84, General Statutes, the actual code within the Code of Conduct for Public Officials, the legislator must be particularly careful to ensure that subsection (i) is not violated. That subsection (with exceptions not pertinent) forbids a business with which a public official is associated to enter into a contract, valued at one hundred dollars or more, with the State unless the contract is awarded pursuant to an open and public process which meets the standards of the subsection.

By order of the Commission,



Rev. Thomas J. Lynch
Chairman

Dated _____