



STATE OF CONNECTICUT  
STATE ETHICS COMMISSION

ADVISORY OPINION NUMBER 81-8

State Legislator Serving on Municipal  
Fire Commission

A member of the General Assembly who represents Bridgeport is also a member of the Bridgeport Board of Fire Commissioners. He has asked the Ethics Commission whether holding these two offices presents a conflict of interest which would require him to resign one or the other.

The Bridgeport Board of Fire Commissioners consists of seven members, each appointed to the Board by the mayor for a two-year term. Section 45.1, Charter of the City of Bridgeport. The members serve without compensation. Section 49, id. The Board of Fire Commissioners has the general management and control of the Bridgeport Fire Department, including its personnel and property. Section 11-23, Bridgeport Code of Ordinances. It makes the rules and regulations for the government of the Department and for the conduct and discipline of its personnel. Id. Subject to the provisions of the Bridgeport Charter and Ordinances it purchases or approves the purchase of real and personal property required for the efficient operation of the Department. Id. The Board is in charge of construction for the Department and repair of all its property. Id. Commissioners must abide by some ethical provisions which are not germane to the question at hand for they concern only intra-municipal matters. See Sections 2-46 and 2-47, id.

One of the standards for determining whether a legislator, or other State official or employee, has a conflict of interest is the Code of Ethics for Public Officials, Chapter 10, Part I, General Statutes. Reviewing the provisions of the Code, the legislator's unpaid service as a Bridgeport Fire Commissioner appears to create inherent problems under none of them. The General Assembly member may from time to time be required to take official action on legislation which would affect the financial interests of municipal fire commissions in general or Bridgeport's in particular. Even so, the Bridgeport Board of Fire Commissioners is not a "business" with which the legislator is "associated". Section 1-79(a), General Statutes. Further, it does not appear possible for legislation to affect the financial interests of the legislator in his role as a fire commissioner. Should the legislator feel that there would nevertheless be the appearance of a conflict of interest if he were to take official action on legislation affecting the Bridgeport Board in some fashion he could, by analogy to a

*Planned (20) 5/10/81*

30 Temple Street • Hartford, Conn. • 06115

*At hand copy sent to recipient*

Section 1-86, General Statutes situation, excuse himself from acting or explain why he felt he could act on the matter fairly, objectively, and in the public interest.

The legislator's public service as a fire commissioner in the town he represents does not appear to cause a problem under the Code of Ethics for Public Officials. The relationship of the office of General Assembly member to that of fire commissioner is not one which renders the two offices incompatible. Cf. State ex rel. Schenck v. Barrett, 121 Conn. 237, 242-243 (1936); Ethics Commission Advisory Opinion No. 79-29, 41 Conn. L.J. No. 28, p. 14. Compare Ethics Commission Advisory Opinion No. 80-18, 42 Conn. L.J. No. 22, p. 23. Consequently, there would seem to be no conflicts of interest, or at least none which are unavoidable, when the legislator serves as a member of the Bridgeport Board of Fire Commissioners.

By order of the Commission,



Rev. Thomas J. Lynch  
Chairman

Dated

June 4, 1981