



STATE OF CONNECTICUT  
STATE ETHICS COMMISSION

ADVISORY OPINION NUMBER 83-3

State Employee who is Officer of Professional  
Association Registered as a Lobbyist

An individual licensed by the State as a professional has been a classified State employee for about the last five years. His agency has regulatory authority over his profession, but he is not involved with the agency's legislative program or with the promulgation of regulations affecting the professionals which the agency regulates.

For some twelve years the individual has been a member of a non-profit professional association made up of members of his profession. The association is registered as a lobbyist under Chapter 10, Part II, General Statutes. For most of his years as a member he has been active in the association. Recently, he was elected an officer. Association officers receive no compensation but are provided reimbursement for some expenses and are also provided limited financial benefits. For example, the president receives reimbursement at a per-mile rate for attending meetings, programs, etc. Expenses of the senior officers and their immediate families who attend the annual convention are paid by the association. All members of the association's executive committee, including officers, attend the annual dinner at no cost. The registration fees for conventions and continuing education programs are waived for officers.

The Ethics Commission has been asked whether the reimbursement and other financial benefits are:

a) improper under subsection 1-97(a), General Statutes, limiting gifts by a registrant to (among others) State employees or members of their immediate family, or

b) reportable under section 1-96, General Statutes.

(The person asking for advice is aware of the issues covered in Ethics Commission Advisory Opinion No. 79-13, 40 Conn. L.J. No. 48, p. 13 (May 29, 1979), which discussed whether a professional who was a member of the State board regulating his profession could also be a director of his professional association.)

With regard to the second question, no financial benefits received by the officer need be reported in the financial reports which the association, as a registrant, files pursuant to section 1-96, General Statutes. With one exception that section requires reporting only of expenditures concerning lobbying activities. Financial benefits routinely conferred on all officers, whether or not they have any relationship to the State, would not be considered having been made with relation to lobbying activities. The one reporting exception is for "...each expenditure of fifty dollars or more per occasion made by the registrant for the benefit of a public official in the legislative or executive branch, a member of his staff or immediate family..." Subsection 1-96(b), General Statutes. There is no requirement that the expenditure be related to lobbying. The subsection, however, does not require reports of expenditures for the benefit of a State employee who is not a public official or staff member or for the benefit of members of the immediate family of such a State employee, the situation which obtains here. See also Ethics Commission Advisory Opinion No. 78-30, 40 Conn. L.J. No. 26, p.12 (December 26, 1978).

The Code of Ethics for Lobbyists prohibits a registrant or anyone acting on a registrant's behalf from giving to a State employee or a member of his immediate family a gift or gifts aggregating fifty dollars or more in value in a calendar year. Subsection 1-97(a), General Statutes. "Gift" is defined as "...a payment, subscription, advance, forbearance, rendering of services, deposit of money unless consideration of equal or greater value is received." Subsection 1-91(g), General Statutes. A pertinent exception excludes from the definition of gift "food or beverage or both, consumed on a single occasion, the cost of which is less than fifty dollars per person." Id.

Reimbursement of out-of-pocket expenditures on association business certainly is not a gift under the definition in the Code. If a member as an officer renders services to or on behalf of the association they could well be consideration of equal or greater value than waived registration fees or the reasonable costs of a an officer's attendance at a convention. In addition, the association likely benefits from the presence of an officer at a function, and he should not have to pay for this benefit out of his own funds. Consequently, subsection 1-97(a) ought not prevent an officer who contributes services to an association from having his reasonable expenses on association business paid for by the Association when this is done routinely whether or not the officer is a public official or State employee. Similarly, the officer, a State employee, may accept payment of his reasonable travel expenses on association business and attend meetings, conferences, etc. for which he does not pay the registration fee without violating subsection 1-84(j), General Statutes, the counterpart of subsection 1-97(a), even though the association is a

registered lobbyist. Whenever food or drink is concerned, unless both amount to fifty dollars or more per individual at a single occasion there is a second reason for finding no violation of the codes of ethics in Chapter 10, General Statutes.

It is questionable in several respects when the expenses of the State employee's/officer's immediate family at the annual convention are picked up by the association. It is not as easy to argue that the family must attend the convention as it is to say that the president, president-elect, etc. must. Depending upon where the convention is held, how elaborate it is, etc. the expenses of the officer's immediate family could be substantial. In view of the policy regarding gifts between registrants and State servants, it seems inappropriate for the State employee here to permit the association to pay the convention expenses of his family. Granted that such a gesture is unlikely to gain the association any greater influence with the State employee than it already has because of his long-term commitment to it and its purposes. Nonetheless, since there has been a policy decision made regarding registrants giving, and State employees accepting, gifts of consequence, the State employee should conform to the policy and avoid even the appearance of a violation of one of the code of ethics in Chapter 10 by accepting from the association only reasonable financial benefits which are related to his activities alone.

By the order of the Commission,

  
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Lucille E. Brown, Chairperson

Dated 2 February 1983