



STATE OF CONNECTICUT

STATE ETHICS COMMISSION

ADVISORY OPINION NO. 89-22

Application of Revolving Door Provisions to Former State
Employee Now Employed by Private/State Entity

Rachel S. Rubin, Ethics Commission Staff Attorney II, has asked the Commission to explain the application of the revolving door provisions of the Code of Ethics for Public Officials to a state employee who leaves state service, accepts employment with a private entity to work at a facility which is run by both the private entity and the State, and then represents the facility before his former agency within a year after leaving state service.

The Connecticut Mental Health Center (the "Center"), located in New Haven, is a facility of the Department of Mental Health "operated by the department...in collaboration with Yale University under mutual agreement of said parties." Conn. Gen. Stat. §17-209a. One area of collaboration is staffing; the State and Yale enter into agreements whereby Yale supplies certain employees and the State funds the positions. The Center's management staff is composed almost entirely of Yale employees.

One function of the Center is to provide drug and alcohol rehabilitation services. The Center's staffing and funding requirements are negotiated with the Department of Mental Health and with the Connecticut Alcohol and Drug Abuse Commission (CADAC), another state entity. Yale employees frequently are responsible for conducting the negotiations for the Center.

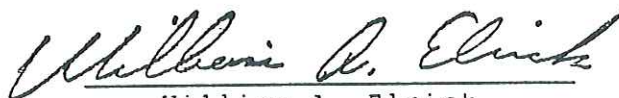
A state employee at CADAC left state service and accepted employment with Yale at the Center. Within a year thereafter,

the former state employee/current Yale employee appeared before CADAC to argue against proposed reductions in the funding of the Center's substance abuse programs.

Under the Code of Ethics, no former state employee "shall, for one year after leaving state service, represent anyone, other than the state, for compensation before the department, agency, board, commission, council or office in which he served at the time of his termination of service, concerning any matter in which the state has a substantial interest." Conn. Gen. Stat. §1-84b(b). Here, the Center is a collaborative effort of the State and Yale; it is not merely an arm of state government. Instead, a private entity, Yale, is intimately involved in the operations of the facility, including staffing and funding. Therefore, when the former state employee/current Yale employee represents the Center before his former agency, CADAC, he is representing not only the State but Yale as well, since Yale has a pecuniary interest in the operation of the Center, and a stake in its reputation.

Thus, if a former state employee is subsequently employed by an entity which is both private and state in nature, and represents that entity before his former agency within one year after leaving state service, he represents not only the State but also someone "other than the state", in violation of §1-84b(b).

By order of the Commission,



William A. Elrick
Chairperson

Dated 8-7-89