



STATE OF CONNECTICUT

STATE ETHICS COMMISSION

ADVISORY OPINION NO. 91-6

Outside Employment Utilizing A State Employee's Expertise

Mr. John W. Nolan, Jr., a senior project coordinator in the Construction Management Unit of the Department of Public Works, has asked the Ethics Commission for an advisory opinion regarding a private business he wishes to start. Specifically, Mr. Nolan has asked whether, under the provisions of the Code of Ethics For Public Officials, Connecticut General Statutes Chapter 10, Part I, he may operate a part-time consulting business in Construction Administration.

In his state position Mr. Nolan's duties involve the monitoring of construction management firms that the Department hires for the construction of large correctional facilities. In his proposed private work Mr. Nolan would advise municipal building committees on the proper technical procedures for implementing the design, bid and award, and construction phases of a building program. Mr. Nolan states that his clientele will be limited to municipal building committees, that he will not perform any consulting related to or associated with any state government project, and that his services will be restricted to providing advice on technical building program procedures.

Under §§1-84(b) and (c) of the Code, no public official or state employee may accept outside employment which will impair independence of judgment as to state duties or require or induce disclosure of confidential state information, nor may the individual use state position or confidential information acquired through state service to obtain personal financial gain. These provisions do not, however, prevent a public official or state employee from using his or her expertise, including expertise gained in state service, for personal gain. Generally, §§1-84(b) and (c) are violated when the state servant accepts outside employment with an entity which can benefit from his or her official actions (e.g., the individual in his or her state capacity has specific regulatory, contractual or other significant authority over the private employer).

By limiting his clientele to municipalities, avoiding work related to or associated with any state government project, and restricting his services to the provision of advisory technical information, Mr. Nolan has taken all reasonable and necessary steps to avoid potential conflicts of interest. His proposed consulting work is an excellent example of a legitimate use of expertise for private financial gain that risks neither impairment of independence of judgment nor misuse of state authority.

By order of the Commission,

Michael Menitoff

Rabbi Michael Menitoff
Chairperson

Dated 2-4-91