



# STATE OF CONNECTICUT

## STATE ETHICS COMMISSION

ADVISORY OPINION NO. 92-5

### Gifts In Excess Of Necessary Expenses

A new provision of the Code of Ethics for Public Officials, Conn. Gen. Stat. §1-84(k), states that "no public official or state employee shall accept a fee or honorarium for an article, appearance or speech, or for participation at an event, in his official capacity, provided a public official or state employee may receive payment or reimbursement for necessary expenses for any such activity in his official capacity." Necessary expenses are limited to "necessary travel expenses, lodging for the nights before, of and after the appearance, speech or event, meals and any related conference or seminar registration fees" for the individual. Conn. Gen. Stat. §1-91(1).

Prior to the enactment of the above two new provisions, a public official and/or state employee who was required by statute to file a financial disclosure statement with the Commission was able to accept a fee or honorarium in exchange for his or her participation or appearance, in his or her official capacity, at an event. Because there were no limits, it was not uncommon for the sponsor to pay for the expenses of both the participant and his or her spouse or guest to attend the event, as part of the fee or honorarium. Additionally, the individual was able to accept cash payments, gifts, or awards. Ms. Brenda Bergeron, staff attorney for the Ethics Commission, has been asked by several lobbyists whether it would still be permissible, under the latest revision to the Code, for a sponsor of an event to continue to pay for those items which do not qualify as necessary expenses.

Another provision of the Ethics Code, Conn. Gen. Stat. §1-91(1)(10), does allow a registered lobbyist to provide "food or beverage or both, costing less than one hundred fifty dollars in the aggregate per recipient in a calendar year, and consumed on an occasion or occasions at which the person paying, directly or indirectly, for the food or beverage, or his representative, is in attendance." A registered lobbyist may also give unrestricted gifts of up to \$49.99 in the aggregate per calendar year to a public official, member of his or her immediate family, or state employee. Furthermore, "a certificate, plaque

or other ceremonial award costing less than one hundred dollars" is exempt from the definition of what constitutes a gift for purposes of the annual fifty dollar gift limit. See Conn. Gen. Stat. §1-91(g)(6).

It follows, therefore, that a lobbyist/sponsor may still pay for the meals of a participant's spouse, even if it is a meal incident to his or her participation at an event, by using the food or beverage exemption to the gift law. In addition, the lobbyist could pay, for example, for the transportation or lodging for the spouse, or give the participant a plaque or other small gift, as long as the lobbyist did not exceed the relevant dollar limitations of the Code for that individual.

It should be noted that the exceptions to the gift law which apply to lobbyists would not be applicable to a nonlobbyist who sponsors an event in which a public official or state employee is a participant. However, the statutory limitations set for lobbyists' expenditures are amounts which the Legislature has deemed to be nonexcessive and, therefore, unobjectionable under the law. Consequently, as a matter of consistency, the Commission will allow nonlobbyist expenditures in the same amounts for the benefit of a public official, his or her immediate family, or state employees, in connection with one's participation at an event, as the benchmark for determining what may be excessive; and, a violation of the State's Code of Ethics.

By order of the Commission,



Astrid T. Hanzalek

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Chairperson

Dated 2-5-92