



STATE OF CONNECTICUT
STATE ETHICS COMMISSION

CONNECTICUT STATE ETHICS COMMISSION
97 ELM STREET (REAR)
HARTFORD, CONN. 06106

85-A

Declaratory Ruling

In re: Thomas P. Clifford, III

Assistant Attorney General Elected Mayor

An assistant attorney general has asked the Ethics Commission whether he may run for the office of mayor of a Connecticut municipality and, if elected, serve as mayor. A State employee in the classified service, the assistant attorney general is subject to the Code of Ethics for Public Officials, Chapter 10, Part I, General Statutes. Subsection 1-79(k), General Statutes.

His main duty in the Office of the Attorney General is to handle matters for certain institutions of higher education--the State University, regional community colleges, and the State technical colleges. None is in the municipality in which he is considering waging his mayoral campaign. In addition to his principal responsibility, as others in his department he has been from time to time assigned cases--special education, human rights, etc.--that might arise in, or involve, any municipality in the State.

The municipality in question has a mayor/board of aldermen form of government. The mayor is the chief executive officer of the municipality. He nominates, for confirmation by the board of aldermen, persons to fill various municipal offices and positions on municipal boards. He approves or disapproves the votes, resolutions, orders, and ordinances passed by the board of aldermen. The mayor signs all written contracts of the city in which the amount involved exceeds \$1,000. As conservator of the peace of the city he has certain law enforcement duties, with the power given to sheriffs by the General Statutes. The mayor is compensated for his services.

The assistant attorney general's assignment to the affairs of most of the State's institutions of higher education seems to have no relationship to the activities of the mayor of the municipality. His State position should not in any way allow him to take official action, or to use confidential information, affecting his financial interests as mayor. Subsections 1-84(a), 1-84c, section 1-85, General Statutes.

Phone: (203) 566-4472

97 Elm Street — Rear ~~203 Elm Street~~ • Hartford, Connecticut ~~06115~~ 06106

An Equal Opportunity Employer

His employment as mayor should not impair his independence of judgment as a State employee, or require or induce him to disclose confidential information gained in State service. Subsection 1-84(b), id. A mayor need not represent his city before the agencies listed in subsection 1-84(d), General Statutes, even assuming he could be considered compensated for doing so. As mayor, the assistant attorney general could sign contracts with the State provided they had been entered into through an open and public process meeting the requirements of subsection 1-84(i), General Statutes.

A classified State employee elected to a municipal office in a partisan political election must also ensure that there are no conflicts of interests as defined in section 5-266a-1, Regulations of Conn. State Agencies, which preclude him from holding the office. Subsection 5-266a(b), General Statutes. None should prevent the assistant attorney general from serving as mayor if elected.

The Attorney General does have power to affect grants and subsidies, administered by the State, for which the assistant attorney general's municipality is eligible. See subparagraph 5-266a-1B5, Regulations of Connecticut State Agencies. He appears for the State and its officials in most suits and other civil proceedings in which the State is a party or is interested. Section 3-125, General Statutes. The Attorney General represented defendants in Horton v. Meskill, 172 Conn. 615 (1977), for example, a case concerning the State-administered grant given every Connecticut municipality to assist in financing primary and secondary public education. It is questionable that the Attorney General has discretionary power to affect this and other State-administered grants and subsidies in the course of performing his official legal services. Subparagraph 5-266a-1B5 was intended to refer to the State department or agency which administers the grant or subsidy, the Department of Education in the Horton example. It should remain so confined. No useful purpose would be served by extending the restriction to the office which provides legal representation to all State departments and agencies.

The assistant attorney general's primary responsibility to institutions of higher education creates no problems for him, as a mayor, under the Code of Ethics or the regulation defining conflicts of interests for purposes of subsection 5-266a(b), General Statutes. Nevertheless, conflicts of interests possibly could be created if the assistant attorney general were to be given cases, arising in his or other municipalities, which attorneys in his department are sometimes assigned. It

is understood that there would be no difficulty in excusing him from such extra duty, and his superiors are willing to do so. Otherwise, action pursuant to section 1-86, General Statutes, should avoid any potential conflicts of interests such cases could create.

In summary, the assistant attorney general may continue performing the duties of his classified State position if he becomes mayor of the Connecticut city as a result of a partisan political election.

By order of the Commission,



Noreen O. Steele
Chairperson

Dated 8/5/85

