

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

In the Matter of a Request
for a Declaratory Ruling

89-A

Mr. Malcolm Cochran
Applicant

The Associate Director of Treatment Services for the Connecticut Alcohol and Drug Abuse Commission (CADAC), Mr. Stephen Glass, intends to serve voluntarily as the President of the Board of Directors of Regional Alcohol and Drug Resources, Inc. (RADAR). RADAR is a nonprofit organization which provides substance abuse education and training information, referral, community service, contracted specialized occupational services and preschool education. One of RADAR's programs, the DWI pretrial alcohol educational system, is funded by a contract from CADAC. The current president of RADAR, Mr. Malcolm Cochran, has asked whether there are any potential Code violations if Mr. Glass is both a CADAC employee and president of RADAR.

As Associate Director of Treatment Services, one of Mr. Glass' responsibilities is the supervision of the program management division which monitors all CADAC grants, including DWI grants, and contracts to ensure compliance with CADAC regulations. If a staff monitor identifies a problem with a RADAR grant, the monitor submits a written report to Mr. Glass who then submits it to the CADAC executive staff. The executive staff then makes a recommendation to the executive director of CADAC, who in turn makes a recommendation to the CADAC Commission. Mr. Glass is a member of the executive staff.

As Associate Director of Treatment Services for CADAC, Mr. Glass is a State employee subject to the Code of Ethics for Public Officials. Subsection 1-79(m), General Statutes. Since he will not be paid for acting as president of RADAR, it is not employment for purposes of the Code. Ethics Commission Advisory Opinion No. 84-7, 45 Conn. L.J. No. 44, p. 7D (May 1, 1984). Therefore, the law restricting outside employment by State employees is not applicable. Id.

"Business with which he is associated" is defined in subsection 1-79(b), General Statutes, as "any sole proprietorship, partnership, firm, corporation, trust or other entity through which business for profit or not for profit is conducted in which the public official or State employee or member of his immediate family is a director, officer, owner, limited general partner, beneficiary of a trust or holder of stock constituting five per cent or more of the total outstanding stock of any class". Therefore, RADAR of which Mr. Glass will be both president and a member of the board of directors is a "business with which he is associated". A State employee may not use his public position or confidential information to obtain "financial benefit for a business with which he is associated". Subsection 1-84(c), General Statutes. Therefore, as president he must refrain from using his public position, or confidential information received through holding it, to obtain financial gain for RADAR.

Under subsection 1-86(a), General Statutes, a State employee who would be required to take an action that would affect a financial interest of a business with which he or she is associated must prepare a written statement signed under penalty of false statement describing the matter requiring action and the nature of the potential conflict and deliver a copy of the statement to his or her immediate supervisor. The supervisor must then assign the matter to another employee who is not a subordinate. The monitoring of RADAR grants may affect the organization's financial interest. To avoid any potential conflicts, Mr. Glass should refer all written reports concerning RADAR which he receives from his staff to his supervisor and not participate in executive staff meetings which pertain to these matters.

By order of the Commission,



William A. Elrick
Chairperson

Dated 1-9-89