

DECLARATORY RULING 89-H

State Trooper's Appointment to Elective Municipal Office

Ms. Imogene Fuller has asked the Ethics Commission to issue a declaratory ruling as to whether a state trooper can be appointed to an elective municipal office.

Regulations of Connecticut State Agencies  
§5-166a-1(a)(2)(C) states:

(a) There is a conflict of interests which precludes a person in State service from holding or continuing to hold elective municipal office when one or more of the following applies:...

(2) The department or agency in which a classified State employee has an office or position has discretionary power to:...

(C) Institute or recommend actions for penalties against the incumbent of the municipal office...

This regulation only applies to elective municipal offices, not appointed municipal offices.

The Commission recently ruled in an advisory opinion that, under Regulations of Connecticut State Agencies §5-166a-1(a)(2)(C), a state trooper may not hold an elective municipal office. Ethics Commission Advisory Opinion No. 89-21, 51 Conn. L. J. No. 7, p. 3C (August 15, 1989). If an individual is appointed to a particular municipal office which is an elective office, Regulations of Connecticut State Agencies §5-166a-1(a)(2)(C) still would apply since the restriction is on the office which will be held and not on how an individual obtains that office. Therefore, a state trooper may not be appointed to an elective municipal office. To the extent that dicta in Ethics Commission Advisory Opinion No. 85-9, 47 Conn. L. J. No. 28, p. 1C (January 7, 1986) is contrary to this opinion, Advisory Opinion No. 85-9 is overruled.

By order of the Commission,



William A. Elrick  
Chairperson

Dated 11/13/89

