



# STATE OF CONNECTICUT

## STATE ETHICS COMMISSION DECLARATORY RULING 99-A

### Application Of Code Of Ethics Conflict Of Interest Provisions To Chairman Of Judicial Review Council

Anthony Vermiglio has asked whether the Code of Ethics for Public Officials, Conn. Gen. Stat. Chapter 10, Part I (the "Code"), applies to the Chairman of the Judicial Review Council ("JRC") and if so, how its "conflict of interest" provisions apply in the following situation. Specifically, Mr. Vermiglio has asked whether the Chairman must abstain from participating in the JRC's review of a complaint against a judge arising from an underlying criminal proceeding predicated upon a complaint by a client of the Chairman's law firm.

In answer to the first inquiry, the Chairman is a "public official" within the meaning of Conn. Gen. Stat. §1-79(k) by virtue of his appointment to office by the Governor. *See Conn. Gen. Stat. §51-51k.*

With respect to the second inquiry, a conflict of interest occurs when a public official ... has an interest which is in substantial conflict with the proper discharge of his duties. A substantial conflict occurs when the public official has reason to believe or expect that he, his spouse, a dependent child, or a business with which he is associated will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his official activity. *Conn. Gen. Stat. §1-85.* Furthermore, under §1-84(c), a public official may not use his office to obtain financial gain for himself, his spouse, child, child's spouse, parent, brother or sister or a business with which he is associated.

Under the above-referenced scenario, the Chairman's actions involved consideration and review of a complaint filed against a judge. The relationship between the client, the Chairman and the complaint brought before the JRC is simply too attenuated to trigger the application of the Code's conflict of interest provisions. Simply stated, the Chairman's actions did not constitute a conflict of interest under the Ethics Code because neither he nor his law firm would derive any direct monetary gain by his ruling in the Judge's favor.

This opinion does not arrive at any conclusions with respect to any other applicable Codes of Conduct over which this Commission lacks jurisdiction.

By order of the Commission,

A handwritten signature in black ink, appearing to read "Stanley Burdick", written over a horizontal line.

Stanley Burdick, Chairperson

Dated

7/9/99