



Public Officials and State Employees Guide to the Code of Ethics



Office of State Ethics
Carol Carson, Executive Director

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OFFICE OF STATE ETHICS

Introduction

The Office of State Ethics was created on July 1, 2005, pursuant to Public Act [05-183](#), and is an independent regulatory division of the Office of Governmental Accountability, charged with administering and enforcing the Connecticut Codes of Ethics, located in Chapter 10 of the Connecticut General Statutes.

The Office of State Ethics educates all those covered by the Ethics Codes; provides information to the public; interprets and applies the Connecticut Codes of Ethics; and investigates violations of, and otherwise enforces, the Ethics Codes.

The Office of State Ethics consists of:

- Citizen's Ethics Advisory Board
- Executive Director
- Legal Division
- Enforcement Division

The Office of State Ethics has the following jurisdiction:

Part I	The Code of Ethics for Public Officials	§§ 1-79 to 1-90a
Part II	The Code of Ethics for Lobbyists	§§ 1-91 to 1-101a
Part III	Lobbying: Miscellaneous Provisions	§§ 1-101aa and 1-101bb
Part IV	Ethical Considerations Concerning Bidding and State Contracts	§§ 1-101mm to 1-101rr

Citizen's Ethics Advisory Board

The governing body of the Office of State Ethics is the Citizen's Ethics Advisory Board, it is comprised of nine members. The members are appointed by the Governor and legislative leaders for staggered, non-renewable, four-year terms.

Board Members:

- Attend monthly Citizen's Ethics Advisory Board meetings
- Appoint and evaluate the Executive Director of the Office of State Ethics
- Serve as Hearing Officers for non-confidential UAPA hearings
- Attend hearings to determine whether violations occurred and assess penalties
- Oversee legislative agenda

A schedule of Citizen's Ethics Advisory Board meeting dates, times and locations is available at www.ct.gov/ethics.

MISSION

The mission of the Office of State Ethics is to practice and promote the highest ethical standards and accountability in state government by providing education and legal advice, ensuring disclosure, and impartially enforcing the Codes of Ethics.

STATUTORY RESPONSIBILITY

The statutory responsibilities of the Office of State Ethics are broken down into four main categories: education, interpretation, enforcement and disclosure. The Office of State Ethics is charged with providing education, guidance and advice to state employees, public officials, lobbyists and legislators on the Codes of Ethics.

All investigation and prosecution matters are the responsibility of the Ethics Enforcement Officer. The Office of State Ethics is also statutorily obligated to receive, process, and maintain records of all lobbyist filings along with public official and state employee Statements of Financial Interests.

PUBLIC SERVICE

The Office of State Ethics is committed to carrying out its mission in the most user-friendly and transparent manner possible. To this end, the Office of State Ethics continues to update and improve its website by adding new and historical material as well as continually improving and updating the online filing systems utilized by lobbyists and public officials. It is important to note that these systems are also utilized by members of the public and the media for information and research.

THE BIG PICTURE

All state officials and employees (except judges) are covered by Part I of the Code of Ethics for Public Officials (henceforth, Part I, or the Code). It is important to remember that certain provisions of the Code also apply to public officials and state employees after they leave state service.

As you read through this guide, be aware that these laws were enacted to prevent individuals from using their public position or authority for personal, financial benefit.

Each state agency also has its own ethics policy, which may be more restrictive than what follows, particularly in connection with which benefits a lobbyist, or a person regulated by, doing or seeking to do business with a state agency may provide to public officials and state employees. Be sure to obtain a copy of your state agency's policy.

GIFTS

For a public official or state employee, there are rules in place regarding the acceptance of gifts from both restricted and non-restricted donors. In general, you may not accept gifts from restricted donors.

A **gift** is defined as anything of value that you (or in certain circumstances a member of your family) directly and personally receive *unless* you provide consideration of equal or greater value (e.g., pay for the item). Conn. Gen. Stat. [§ 1-79 \(5\)](#).

Restricted Donors

Restricted donors include:

- Registered lobbyists (a list is available on the Office of State Ethics website) or a lobbyist's representative;
- Individuals or entities doing business with your state department or agency;
- Individuals or entities seeking to do business with your state department or agency;
- Individuals or entities engaged in activities regulated by your state department or agency; or
- Contractors pre-qualified by the Connecticut Department of Administrative Services (Conn. Gen. Stat. [§ 4a-100](#)).
-

Non-Restricted Donors

Two other categories of donors are:

Non-restricted donors giving you something because of who you are in state service

If a gift-giver does not fall within the definition of a restricted donor, but is nonetheless giving you something because of your public position, you should be aware that a dollar limit exists.

From this type of donor, you may only accept up to \$100 annually from a single source, in addition to any of the items listed in the 19 gift exceptions noted above and set forth in Conn. Gen. Stat. [§ 1-79 \(5\)\(A\)-\(S\)](#).

Non-restricted donors giving you something that has nothing to do with your state service

There is no limit as to what you may accept from a non-restricted donor, such as your neighbor of 20 years or a best friend from kindergarten, who is giving you a gift that has nothing to do with your public position.

This holds true as long as the donor remains non-restricted. Should this individual become a registered lobbyist, for example, the gift provisions regarding restricted donors would apply, regardless of any longstanding personal relationship.

Gift Exceptions

There are, however, certain exceptions to this definition of gift. Not all exceptions are covered below; see Conn. Gen. Stat. [§ 1-79 \(5\)\(A\)–\(S\)](#) for the complete list.

- *Token Items* – Restricted donors such as registered lobbyists may provide you with any item of value that is not more than \$10 (such as a pen, mug, or inexpensive baseball cap), provided that the annual aggregate of such items from a single source is \$50 or less. Conn. Gen. Stat. [§ 1-79 \(5\) \(P\)](#).
- *Food and Beverage* – Restricted donors may also provide you with less than \$50 worth of food and beverage in a calendar year, provided that the restricted donor or his/her representative is in attendance when you consume the food and/or beverage. Conn. Gen. Stat. [§ 1-79 \(5\) \(I\)](#).
- *Training* – Vendors may provide you with training for a product purchased by a state or quasi-public agency provided such training is offered to all customers of that vendor. Conn. Gen. Stat. [§ 1-79 \(5\) \(Q\)](#).
- *Gifts to the State* – Restricted donors may provide what are typically referred to as “gifts to the state.” These gifts are goods and services provided to a state agency or quasi-public agency for use on state or quasi-public agency property or that support an event or the participation by a public official or state employee at an event, which facilitates state or quasi-public action or functions. Conn. Gen. Stat. [§ 1-79 \(5\) \(E\)](#).
- *Other Exceptions* – There are a total of 19 separate gift exceptions in the Code. Also exempt from the definition of gift are items such as informational materials germane to state action, ceremonial plaques or awards costing less than \$100, or promotional items, rebates or discounts also available to the general public, or expenses of a public official paid by the party committee of which party such official is a member. See Conn. Gen. Stat. [§ 1-79 \(5\)\(A\)–\(S\)](#).

Major Life Event

There is a \$1,000 limit on a gift a registered lobbyist gives to you or a member of your family for a major life event. Please note: Registered lobbyists are the only restricted donors who may make use of the “major life event” gift exception.

Major Life Event Exceptions

- Birth or adoption of a child
- Wedding
- Funeral
- Ceremony commemorating induction into religious adulthood
- Retirement from state service

This list of major life events is exhaustive. Regs., Conn. State Agencies [§ 1-92-53](#).

Reporting Requirements

Should you receive anything of value that exceeds threshold dollar amounts from an entity doing business with, seeking to do business with, or directly regulated by your department or agency, that entity must, within **10 days**, give you and the head of your department or agency a written report stating:

- Name of the donor;
- Description of item(s) given;
- Value of such item(s); and
- Total cumulative value of all items to date given to you by that donor during the calendar year.

This helps you and donor keep track of the gift exceptions noted above, so that permissible limits are not exceeded. Conn. Gen. Stat. [§ 1-84 \(o\)](#).

The monetary threshold set by Conn. Gen. Stat [§ 1-96 \(e\)](#) is \$10 or more, per person, per occasion, or \$30 or more per person for a legislative reception or a charitable or civic event.

Gifts Between State Employees

[Advisory Opinion No. 2006-6](#) interpreted Conn. Gen. Stat. [§ 1-84 \(p\)](#), regarding gifts between supervisors and subordinates in state service. This three-part provision limits gift-giving between certain individuals. Specifically:

- The provision imposes a monetary limit of \$99.99 for gifts between a public official or state employee and his or her supervisor. This limit is a **per-gift** – not a per-year – amount.
- Individuals subject to this limit may still make use of the major-life-event exception. In other words, supervisors and subordinates are not limited to \$99.99 when giving gifts to each other for major life events. The applicable limit for major life events is \$1,000.
- The provision applies not only to direct supervisors and subordinates, but to any individual up or down the chain of command.

In [Advisory Opinion 2007-5](#), the Citizen's Ethics Advisory Board concluded that supervisors and/or subordinates **may not pool** their money to give a collective or group gift valued in excess of the \$99.99 limit. Thus, except in the case of a major life event (which holds a \$1,000 limit), it would be a violation for Supervisor A to accept a gift valued at \$150 from Subordinates X and Y (and for them to give such a gift), even though the individual contributions of X and Y are less than the \$99.99 limit established in Conn. Gen. Stat. [§ 1-84 \(p\)](#).

NECESSARY EXPENSES

Necessary expenses may be received by public officials or state employees **only** if the official or employee, in his/her official capacity, is actively participating in an event (giving a speech or presentation, running a workshop, etc.). Conn. Gen. Stat. [§ 1-84 \(k\)](#).

Necessary expenses can include:

- Travel (coach);
- Lodging (standard cost of room for the night before, of, and immediately following the event);
- Meals; and
- Related conference expenses.

Only sponsors of an event at which the public official or state employee actively participates may pay for necessary expenses. See [Advisory Opinion No. 2012-9](#).

Entertainment costs (tickets to sporting events, golf outings, night clubs, etc.) are **not** necessary expenses.

Necessary expense payments **do not** include payment of expenses for family members or other guests.

Within 30 days of receiving payment or reimbursement of necessary expenses for **lodging or out-of-state travel**, state employees must file an ETH-NE form with the Office of State Ethics. Conn. Gen. Stat. [§ 1-96e](#).

Fees and Honoraria

Public officials and state employees may **not** accept fees and/or honoraria for an article, appearance, speech or participation at an event in their official capacity.

Fees or honoraria for such activities, if offered based solely on expertise and without any regard to official position, may be acceptable. Contact the Office of State Ethics before receiving or accepting any such payment.

CONFLICTS OF INTEREST

Substantial Conflict of Interest

WHAT IS A “SUBSTANTIAL” CONFLICT OF INTEREST?

A “substantial” conflict of interest exists if a public official or state employee has reason to believe or expect that he or she, his or her spouse, a dependent child, or a business with which he or she is associated will derive a **direct** monetary gain or suffer a **direct** monetary loss by virtue of his or her official activity. It does not exist if any benefit or detriment accrues to any such person as a member of a profession, occupation or group to no greater extent than any other member of such profession, occupation or group. Conn. Gen. Stat [§ 1-85](#).

“**Business with which...associated**” is defined to include any entity through which business for profit or not for profit is conducted in which the public official or state employee, or a member of his or her immediate family, is a director, officer, or holder of significant ownership interest. **Note:** Unpaid service as an officer or director of a non-profit entity is exempted from the definition of “Business with which...associated.”

Required Action for Substantial Conflict of Interest

A public official or state employee **must** abstain from taking official action on the matter that presents a substantial conflict for them, his or her immediate family, or any associated business.

Potential Conflict of Interest

WHAT IS A “POTENTIAL” CONFLICT OF INTEREST?

A “potential” conflict of interest exists if a public official or state employee, in the discharge of his or her official state duties, would be required to take an action that would affect his or her financial interest, or the financial interest of his or her spouse, parent, brother, sister, child, spouse of the child, or a business with which the official or employee is associated. Unlike a “substantial” conflict of interest, there is no requirement that the financial impact be direct or that it affect the individual differently from other members of his or her profession, occupation, or group. However, there still must be a reasonable expectation on the part of the state employee or public official that there will be some financial impact based on his or her actions. A “potential” conflict of interest does not exist if the financial interest is “de minimus” (under \$100) or if the interest is not distinct from that of a substantial segment of the general public (e.g., all taxpayers). Conn. Gen. Stat. [§1-86](#).

Required Action for Potential Conflict of Interest

A public official or state employee who is a member of a regulatory board, commission, council or authority **must** abstain from taking official action on the matter **or** prepare a written statement explaining the conflict and why despite the conflict they are able to act fairly, objectively and in the public interest. Such statement must be submitted to the Office of State Ethics and entered in the agency's journal or minutes.

A public official or state employee who is not a member of a regulatory board, commission, council or authority **must** prepare a written statement to an immediate supervisor for reassignment. If there is no immediate supervisor, the statement must be submitted to the Office of State Ethics for advice and guidance.

ETHICS AT WORK

Post-State Employment (Revolving Door)

If you are a *former* state employee seeking post-state employment, you should be aware of the Code's revolving-door provisions:

Lifetime Bans

- You may **never** disclose any confidential information you learned during the course of your state service for anyone's financial gain. Conn. Gen. Stat. [§ 1-84a](#).
- You may **never** represent anyone other than the state regarding a particular matter in which you were personally or substantially involved while in state service and in which the state has a substantial interest. This prevents side-switching in the midst of on-going state proceedings. Conn. Gen. Stat. [§ 1-84b \(a\)](#).

One-year Bans

- You may not represent your new employer for compensation before your former agency for a period of **one year** after leaving state service. Conn. Gen. Stat. [§ 1-84b \(b\)](#). (See [Advisory Opinion No. 2003-3](#), which provides a limited exception to this provision if you are providing purely technical expertise to help implement a previously-awarded contract. This exception applies to extremely limited circumstances; contact the Office of State Ethics for guidance.)
- You are prohibited from being hired for a period of **one year** after you leave state service by a party to a state contract valued at \$50,000 or more if you were substantially involved in, or supervised, the negotiation or award of that contract and it was signed within your last year of state service. Conn. Gen. Stat. [§ 1-84b \(f\)](#).
- Employees who held certain specifically-designated positions (with significant decision-making or supervisory responsibility) at certain state regulatory agencies are prohibited from seeking or accepting employment with any business subject to regulation by the individual's agency within **one year** of leaving the agency. Note that there is an exception for *ex-officio* board or commission members. Conn. Gen. Stat. [§ 1-84b \(c\)](#).

Outside Employment for Public Officials and State Employees

If you are a *current* state employee seeking outside employment, especially from an employer that is regulated by or does business with your agency, you should be aware of the following rules regarding the employment of current state employees.

- You may not accept outside employment that impairs your independence of judgment regarding your state duties, or that encourages you to disclose confidential information learned in your job. Conn. Gen. Stat. [§ 1-84 \(b\)](#).
- You may not use your position for your own financial gain, or the gain of your family (spouse, child, child's spouse, parent, brother or sister) or an associated business, however inadvertent that use may be. Conn. Gen. Stat. [§ 1-84 \(c\)](#).
- You may not accept employment with an entity that represents others before the following 11 agencies: Department of Banking, the Claims Commissioner, the Office of Health Care Access division within the Department of Public Health, the Insurance Department, the Department of Consumer Protection, the Department of Motor Vehicles, the State Insurance and Risk Management Board, the Department of Energy and Environmental Protection, the Public Utilities Regulatory Authority, the Connecticut Siting Council or the Connecticut Real Estate Commission. Conn. Gen. Stat. [§1-84 \(d\)](#).
- You may not utilize state time, materials or personnel in completing tasks for outside employment.

Other Outside Employment Considerations

Present or former Department of Consumer Protection public officials or employees should be aware of specific provisions relating to their involvement with businesses engaged in Indian gaming activities. See Conn. Gen. Stat. [§§ 1-84b \(d\) and \(e\)](#).

In [Advisory Opinion 2008-5](#), the Citizen's Ethics Advisory Board concluded that it is impermissible, under the Code, for a state employee-supervisor to employ a state employee-subordinate in the supervisor's outside business. Likewise, it is impermissible under the Code for a subordinate to employ a supervisor in the subordinate's outside business. Both situations would involve an impermissible impairment of independence of judgment. The Citizen's Ethics Advisory Board noted that this prohibition extends to all supervisors and subordinates up and down the chain of command.

STATEMENTS OF FINANCIAL INTERESTS

Statements of Financial Interests (“SFIs”) serve as a tool to maximize public confidence in governmental decision making. The policy underlying this requirement has been in effect since the enactment of the Ethics Codes in 1977. An SFI provides a checklist or reminder to the official/employee to be mindful of potential conflicts of interest, and it provides a baseline of information which can be compared to subsequent years for the purpose of determining potential misuse of office for financial gain.

Legislators, as well as certain other public officials and senior state employees, must file SFIs with the Office of State Ethics by May 1 each year. These statements describe businesses with which you are associated; the category or type (not amount) of all sources of income over \$1,000; securities in excess of \$5,000; real estate holdings; and leases or contracts with the state. A *confidential* portion of the statement requires disclosure of sources of any debts over \$10,000. (The confidentiality of this portion may be waived.) These examples are not exhaustive; refer to Conn. Gen. Stat. [§1-83 \(b\)](#) for a complete list.

Governor Malloy’s Standard

Statutory Authority

General Statutes [Section 1-83\(a\)\(1\)](#)

All state-wide elected officers, members of the General Assembly, department heads and their deputies, members or directors of each quasi-public agency, members of the Investment Advisory Council, state marshals and such members of the Executive Department and such employees of quasi-public agencies as the Governor shall require, shall file, under penalty of false statement, a statement of financial interests for the preceding calendar year with the Office of State Ethics on or before the May first next in any year in which they hold such a position. Any such individual who leaves his or her office or position shall file a statement of financial interests covering that portion of the year during which such individual held his or her office or position. The Office of State Ethics shall notify such individuals of the requirements of this subsection not later than thirty days after their departure from such office or position. Such individuals shall file such statement within sixty days after receipt of the notification.

Governor Malloy’s Standard

Governor Malloy has established a standard which requires “filing of Annual Statements of Financial Interests by all persons in the Executive Branch and Quasi-Public Agencies who exercise (i) significant policy-making, regulatory or contractual authority; (ii) significant decision-making and/or supervisory responsibility for the review and/or award of State contracts; or (iii) significant decision-making and/or supervisory responsibility over staff that monitor State contracts.”

ETHICS COMPLIANCE

Ethics Compliance Officers and Ethics Liaisons

Ethics compliance officers must be appointed within each state agency and quasi-public agency that deals with or plans large state contracts. The main responsibilities of a compliance officer include developing an agency ethics policy as well as training agency employees on the Code, paying attention to any changes in the law as well as provisions specific to state contracting. Conn. Gen. Stat. [§1-101rr \(a\)](#).

Ethics liaisons must be appointed within each state agency and quasi-public agency. These officers serve as a link between the agency and the Office of State Ethics. Liaisons are responsible for developing agency ethics policies as well as coordinating employee training with the Office of State Ethics. Conn. Gen. Stat. [§1-101rr \(b\)](#).

The Office of State Ethics supports the responsibilities of the above officers by providing in-person training, educational videos or training materials upon request. The Office of State Ethics also sends a monthly electronic newsletter to each officer that highlights new developments in the law, summarizes new advisory opinions, includes handouts on complex areas of the law and provides answers to frequently-asked questions. All such communications are indexed on our website, in the [“Ethics Liaison/Compliance Officer Corner.”](#)

Mandatory Reporters

The Code contains mandatory reporting requirements for the following individuals who have “reasonable cause to believe that a person has violated” the Code of Ethics for Public Officials:

- Commissioners and Deputy Commissioners;
- State Agency Heads and Deputy Heads;
- Quasi-public Agency Heads and Deputy Heads; and
- Persons in charge of state agency procurement and contracting.

These designees are required to report a belief that a person has violated the Code to the Office of State Ethics. (Note: Ethics compliance officers and liaisons are **not** mandatory reporters.)

ETHICS ENFORCEMENT

Procedures and Penalties

Enforcement of the Code is initiated by a complaint, filed by the Ethics Enforcement Officer or any member of the public. In most cases, a complaint by the Ethics Enforcement Officer is preceded by a confidential staff evaluation.

A two-stage process follows:

1. Confidential investigation and confidential probable cause hearing; and
2. If probable cause is found, a public hearing to determine if a violation has occurred.

At any stage of this process, the Office of State Ethics and the Respondent may negotiate a settlement.

After a finding or admission of a violation, the Citizen's Ethics Advisory Board can order the Respondent to comply with the Code in the future, file any required report or statement, and/or pay a civil penalty.

For failure to file a report, statement, or other information required by the Code, the Citizen's Ethics Advisory Board can, after a single hearing, impose a civil penalty of up to \$10 per day, for which the aggregate penalty for any one violation may not exceed \$10,000.

The Office of State Ethics may refer matters to the Chief State's Attorney for criminal prosecution. An intentional violation of the Code is a misdemeanor for the first violation, unless the individual has derived a financial benefit of at least \$1,000. In that case, the violation is a class D felony.

The Attorney General may sue for up to three times the economic gain received through knowingly committing or knowingly profiting from a violation of the Code.

Public officials are encouraged to review the "[*Citizen's Guide to Filing a Complaint*](#)," available on the Office of State Ethics website, for a detailed overview of the complaint process and associated confidentiality provisions.

Contact Us



Agency Address: Connecticut Office of State Ethics
18-20 Trinity Street
Suite 205
Hartford, CT 06106

Telephone: 860-263-2400

Facsimile: 860-263-2402

Website: www.ct.gov/ethics

Business Hours: 8:00 am to 5:00 pm

Visitors must enter the building through the door next to the Bushnell Memorial Theater.

Specific E-mail Contacts: For the timeliest responses, please be sure to direct your questions to the appropriate e-mail address; for example, with a question such as, "Can I accept this outside position with a vendor?" please be sure to send your query to ethics.code@ct.gov

➤ Legal Advice Regarding Code of Ethics	ethics.code@ct.gov
➤ Lobbyist Filing/Reporting Questions	lobbyist.ose@ct.gov
➤ Public Official Filing/Reporting Questions	sfi.ose@ct.gov
➤ Enforcement / Filing a Complaint	ethics.enforcement@ct.gov
➤ All Other Inquires	ose@ct.gov

Staff Phone Number Listing