

CONNECTICUT STATE ETHICS COMMISSION
30 TRINITY STREET
HARTFORD, CONNECTICUT 06115



Marilyn P. Seichter, *Chairwoman*
George S. Writer, Jr., *Vice-Chairman*
James F. English
John M. Lupton
Rev. Thomas J. Lynch
Robert W. MacGregor
Gerard M. Peterson

ADVISORY OPINION NUMBER 78-9

"State employee," Public Act Number 77-600 and
"in furtherance of lobbying", Public Act Number 77-605

An attorney engaged in several activities has requested the advice of the Ethics Commission concerning the impact of one activity on another under Public Act Numbers 77-600 and 77-605.

The attorney conducts a law practice. Additionally, she represents two clients before the General Assembly and State executive agencies and, in this capacity, has registered with the Ethics Commission. Finally, she has a contract as a consultant to a State executive agency.

The attorney receives desk space, telephone service, and secretarial services in the office of a law firm. In return for these services, she pays the law firm half the fees from all her various activities -- practicing law, lobbying, and consulting. She has no other association with the law firm, and the law firm has none other with her or her activities. She receives no compensation from the law firm and no part of its fees. Some members of the law firm practice before one or more of the State agencies listed in section 6(d), Public Act Number 77-600.

The attorney's contract with the State agency calls for her to provide consulting services as requested by the agency at an hourly rate, up to a maximum annual total. There is no indication the agency has a right to control the attorney's means and methods of work. She appears to have contracted to perform consulting services according to her own methods and without being subject to control of the agency except as to the results of her work. Therefore, she is an independent contractor, not an employee of the State agency. Darling v. Burrone Bros., Inc., 162 Conn. 187 (1972), at 195, 196.

As an independent contractor, she is not a State employee (nor a public official) as defined in Public Act Number 77-600, and that Act is not applicable to her. Furthermore, that Act cannot be applicable to the law firm based on any relationship it has with the attorney.

There is nothing to indicate that the attorney may not be employed to lobby. As an individual receiving more than the threshold amount of compensation for communicating with public officials for

the purpose of influencing legislative and administrative action, the attorney is clearly a lobbyist and properly considers herself subject to the provisions of the Code of Ethics for Lobbyists, Public Act Number 77-605. Sections 1(k), 1(1), and 5 of that Act. Although half her lobbying fees go to the law firm in return for the services it renders, it is apparent that the administrative services provided by the law firm are not "in furtherance of lobbying" as that phrase is used in section 1(1), Public Act Number 77-605. See State Ethics Commission Advisory Opinion Number 78-8.

By order of the Commission,

May 26, 1978
Dated


Marilyn P. A. Seichter
Chairwoman, State Ethics Commission

MS:jw