

CONNECTICUT STATE ETHICS COMMISSION
30 TRINITY STREET
HARTFORD, CONNECTICUT 06115



Rev. Thomas J. Lynch, *Chairman*
George S. Writer, Jr., *Vice-Chairman*
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Sheila M. Hennessey
John M. Lupton
Robert W. MacGregor
Gerard M. Peterson

ADVISORY OPINION NUMBER 79-4

Permissibility of Lobbying by an Attorney-Member
of the Board of Higher Education

An attorney who is a member of the Board of Higher Education has asked the State Ethics Commission whether or not his status as a Board member prohibits him from lobbying, on behalf of clients, before the General Assembly and executive agencies of the State on matters totally unrelated to higher education. The attorney is one of the public members of the Board, appointed to it by the Speaker of the House of Representatives. Along with other members of the Board, he receives no compensation or per diem, but is authorized reimbursement for necessary expenses incurred in discharging his official duties. Section 4-1, General Statutes.

The Board of Higher Education has been established and is governed by Chapter 178, Part I, General Statutes. A member appointed to it by a legislative leader is a "public official" as defined by the Code of Ethics for Public Officials (section 1-79(j), *id.*; State Ethics Commission Advisory Opinion Number 78-21, 40 Conn. L.J. No. 13, p. 11) and the Code of Ethics for Lobbyists (section 1-91(p), General Statutes). (The member is not a "member of an advisory board", sections 1-79(g) and 1-91(m), General Statutes, since Chapter 178, Part I of the Statutes makes clear that the Board of Higher Education has authority both to expend public funds and to exercise the power of the State.)

Nothing in the Code of Ethics for Lobbyists, Chapter 10, Part II, General Statutes, prohibits a public official from lobbying for the purpose of influencing legislative or administrative action. Since a Board member receives no salary or pay, section 1-102, *id.*, is not applicable. There are provisions of the Code of Ethics for Public Officials (Chapter 10, Part I, *id.*), however, which must be obeyed.

Several provisions in section 1-34, *id.*, would prevent a Board member from appearing before his own Board, as the Board member involved has recognized by stating that he would lobby only on matters unrelated to higher education. Additionally, a public official is prohibited from lobbying on behalf of another for compensation before the State departments and agencies listed in section 1-34(d), *id.* State Ethics Commission Advisory Opinion Number 78-21, *supra.* There are a number of provisions in section

1-84, id. which can, and must, be observed by a public official, and in some cases by anyone, who lobbies.

In summary, a member of the Board of Higher Education who is an attorney may lobby on behalf of clients on matters totally unrelated to higher education before the General Assembly, and before executive agencies of the State other than his own Board and those departments and agencies listed in section 1-84(d), General Statutes. He must comply with the restrictions which Parts I and II, Chapter 10, General Statutes, impose upon public officials and upon lobbyists.

By order of the Commission,



Rev. Thomas J. Lynch
Chairman

Dated Feb. 20, 1979