



STATE OF CONNECTICUT
STATE ETHICS COMMISSION

ADVISORY OPINION NUMBER 80-6

Appearance of a State Employee before State Agencies
Not Listed in Section 1-84(d), General Statutes

A year ago a State employee resigned from the Department of Public Safety to enter private law practice, having shortly before been admitted to the bar. After his resignation two State employees in the Department retained his services regarding problems involving the Department of Public Safety before two State agencies -- the Commission on Human Rights and Opportunities and the Freedom of Information Commission. Before his clients' problems were resolved, the attorney re-entered State service in the Department of Consumer Protection under an arrangement which allowed him to continue his law practice on a limited basis. He has asked whether he may represent his two clients, who remain State employees, until the matters for which they retained him are settled.

The Code of Ethics for Public Officials and State Employees, Chapter 10, Part I, General Statutes, has a specific provision, section 1-84(d), addressing the issue of State employees representing others for compensation before certain State agencies. With an exception not pertinent, a State employee may not appear as a paid representative before the State agencies listed in section 1-84(d). Neither the Commission on Human Rights and Opportunities nor the Freedom of Information Commission is in the list. The fact that the two commissions involved are not included in section 1-84(d) in effect permits the representation under consideration unless it is forbidden elsewhere in the Code of Ethics for Public Officials and State Employees. Cf. Advisory Opinion Number 79-7, 40 Conn. L.J. No. 38, p. 27.

The attorney was a member of the bar for only the last few months he worked in the Department of Public Safety, and he never served the Department as an attorney. His position was not in the Department's legal services section and was not concerned with legal matters. He was in no way, organizationally or factually, involved in the events concerning which his clients seek relief. Under those circumstances, nothing in sections 1-84 through 1-86, General Statutes, the actual code of ethics within the Code, appears to prohibit the attorney from bringing the two cases to a conclusion. This interpretation of the language in sections 1-84 through 1-86, above, which might be applicable is reinforced by the fact that nothing in the attorney's Code of Professional Responsibility, 1 Connecticut Practice Book 1-52, appears to bar the attorney from continuing to represent his clients in the situation which has been presented.

By order of the Commission,

Thomas J. Lynch
Rev. Thomas J. Lynch
Chairman

Dated February 19, 1980 Phone: (203) 566-4472

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