



STATE OF CONNECTICUT  
STATE ETHICS COMMISSION

ADVISORY OPINION NO. 88-3

Gift to the State

The Public Safety and Finance, Revenue and Bonding Committees of the General Assembly are currently considering a bonding bill to implement an Automatic Fingerprint Identification System (AFIS) for the State of Connecticut. As part of the legislative process a trip to Washington, D.C. is being considered. In order to save the State the expense, a vice-chairman of one of the committees has inquired of several corporations as to the possibility of their providing seats free of charge to a group of legislators and the State's Chief Forensic Pathologist on one of their regularly scheduled flights to Washington. The vice-chairman has requested the opinion of the Ethics Commission as to the propriety of accepting the transportation in question.

The Code of Ethics for Public Officials, Chapter 10, Part I, General Statutes limits in various ways the gifts a public official may receive. A public official may not solicit or accept anything of value on the understanding that the vote, official action, or judgment of the public official would be or had been influenced thereby. Subsection 1-84(g), *id.* Also, a public official may not use his public office or position to obtain financial benefit for himself. Subsection 1-84(c), *id.* Additionally, if the donor is known to be a registered lobbyist, or to represent one, the public official may not, in any calendar year, accept any gift or gifts known to have an aggregate value of \$50 or more. Subsection 1-84(j), *id.*

Applying these provisions to the question under consideration, it does not appear that the Code prohibits the contemplated conduct. The benefit in question, free air transportation to Washington, D.C. for several officials on State business, accrues to the State, not to the officials personally. Therefore, it is not barred by subsection 1-84(c) or (g) of the Code, which are designed to prevent use of one's public position for private financial gain. Even in the case of a registered lobbyist the gift would be permitted. A Commission regulation exempts from the Code's lobbyist gift limitation gifts given not for the personal use or benefit of the public

official, but to facilitate the execution of State action or functions. Section 1-92-51, Regulations of Connecticut State Agencies.

In summary, the Code of Ethics does not prohibit the donation under consideration. Nonetheless, the Ethics Commission believes that, in general, the State should pay for State operations, activities, and functions. Such a course of conduct allows the State and its officials to avoid both actual and apparent conflicts of interest.

Lastly, it should be noted that if the transportation in question was to be provided in whole or in part by a registered lobbyist, the expenditure would have to be reported by that lobbyist pursuant to Section 1-96, General Statutes.

By order of the Commission,



William A. Elrick  
Chairperson

Dated

3/7/88