



STATE OF CONNECTICUT  
STATE ETHICS COMMISSION

ADVISORY OPINION NO. 89-27

Application of Revolving Door Provisions to  
Housing Program Supervisor

A state employee in the Department of Housing, Ms. Faith M. Bessette, has asked the Ethics Commission how the post-state employment restrictions of Conn. Gen. Stat. §1-84b will affect her possible future employment with a private corporation.

Ms. Bessette is a Housing Program Supervisor I. In that capacity, she supervises the administration of a number of housing rehabilitation programs. One of the programs is the Community Housing Development Corporations Program (CHDC). Among the grantees whose contracts she oversees in that program is the Corporation for Independent Living (CIL). It is with CIL that Ms. Bessette might wish to seek employment.

CIL currently has three outstanding contracts with the Department of Housing, regarding handicap accessibility. Two of the contracts are in the process of being closed. The third was executed in April or May of 1989 and is a one-year contract for \$800,000 which can be extended if necessary. Also, a \$1 million contract proposal is in the process of negotiation.

In the course of her state job, Ms. Bessette supervises a staff which reviews CIL's grant proposals, and, if satisfactory, requests allocations from the State Bond Commission for funding. Ms. Bessette signs off on the recommendations made by her staff.

Phone: (203) 566-4472

97 Elm Street — Rear 3rd Floor — Hartford, Connecticut 06106

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Three provisions of §1-84b apply to this situation. First, §1-84-b(d) of the Code of Ethics for Public Officials prohibits a former state employee "who participated substantially in the negotiation or award of a state contract obliging the state to pay an amount of fifty thousand dollars or more, or who supervised the negotiation or award of such a contract" from accepting employment with a party to the contract (other than the State) for a period of one year after resignation from her state position if her resignation occurs less than one year after the contract is signed.

As the supervisor of a staff which reviews and recommends CIL's contract proposals, Ms. Bessette participates substantially in the negotiation of the contracts, and also supervises the negotiation. Therefore, if Ms. Bessette chooses to resign from state service before April or May of 1990, she is prohibited from accepting employment with CIL for one year after leaving her state position, because the \$800,000 CIL contract was executed less than a year before her resignation. Furthermore, if the \$1 million contract is executed before her resignation, that contract will operate to trigger the §1-84b(d) prohibition even if the \$800,000 contract period has expired.

Secondly, §1-84b(a) prohibits a former state employee from representing anyone other than the State "concerning any particular matter (1) in which he participated personally and substantially while in state service and (2) in which the State has a substantial interest." Ms. Bessette has indicated that if she accepted employment with CIL, her duties would include the development and financial packaging of proposals. Some of the proposals would be presented to the Department of Housing.

Ms. Bessette may not represent CIL with regard to any outstanding proposals with which she was involved while in state service. She also should not represent CIL with regard to contracts she has administered for the State. This would not necessarily preclude her from working for CIL on contracts executed after her resignation from state service, even if those contracts deal with the CHDC program.

Finally, §1-84b(b) prohibits a former state employee, for one year after leaving state service, from representing anyone other than the State for compensation before the department in which she served at the time of her termination of service, concerning any matter in which the State has a substantial interest. To "represent" means to do any activity that reveals

the identity of a former state employee, e.g., appearing in person, signing a document, or identifying oneself on the telephone. See, Ethics Commission Advisory Opinion No. 89-25, \_\_\_\_\_ Conn. L.J. No. \_\_\_\_\_. Therefore, should Ms. Besette leave the Department of Housing, she may not return before the Department representing CIL for one year. This prohibition is not limited to the CHDC program, but includes representation for any reason before the Department.

By order of the Commission,



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William A. Elrick  
Chairperson

Dated 10-2-89

