



STATE OF CONNECTICUT
STATE ETHICS COMMISSION

ADVISORY OPINION NO. 89-31

Application of §1-84b(b) to the Former Director of Emergency
Medical Services Seeking to Enter Into a Consulting Contract
With the Department of Health Services

The Department of Health Services has asked whether Conn. Gen. Stat. §1-84b(b) would preclude the Department from entering into a consulting contract with Mr. Chris A. Gentile, formerly the Director of the Office of Emergency Medical Services.

Section 1-84b(b) states that:

No former executive branch or quasi-public agency public official or state employee shall, for one year after leaving state service, represent anyone, other than the state, for compensation before the department, agency, board, commission, council or office in which he served at the time of his termination of service, concerning any matter in which the state has a substantial interest.

Mr. Gentile left his position with the Department of Health Services on October 5, 1989. The Department now wishes to hire him as a consultant, for approximately one hundred hours, to complete working on certain pending matters. If retained, Mr. Gentile would be paid an hourly rate which is less than he earned while in State service. Among the on-going issues which the Department states require Mr. Gentile's consultation are: complaints, rate applications, pending litigation, applications for service, and licenses and registrations. The Department claims that the State will be served by access to Mr. Gentile's memory, recollections, and reasoning in completing these pending matters.

In Ethics Commission Advisory Opinion No. 89-25, 51 Conn. L.J. No. 15, p. 2C (October 10, 1989), the Commission discussed the issue of a former state employee seeking to enter into a

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consulting contract with his or her former agency within one year after leaving state service. The Commission noted that once the former employee was hired by the agency, the individual would be representing the State as permitted by §1-84b(b). In the process of seeking, negotiating, and entering into the consulting contract, however, the former state employee would be representing someone other than the State before the former agency, i.e., himself or herself, in violation of the terms of §1-84b(b). The Commission concluded, therefore, that the individual was prohibited from personally seeking employment with the former agency for one year.

After the issuance of Ethics Commission Advisory Opinion No. 89-25, concern was expressed by several state agencies that the ruling would restrict the State's ability to carry out essential functions. In response to these concerns, the Commission reviewed federal and other state statutes analagous to §1-84b(b), and determined that other jurisdictions routinely provide an exemption allowing former governmental employees to represent themselves before their former agencies for the purpose of being reemployed by those agencies. As a result of this research and discussions with the concerned agencies, the Commission decided to reconsider Ethics Commission Advisory Opinion No. 89-25. In Ethics Commission Advisory Opinion No. 89-25 (Amended), _____ Conn. L.J. No. _____, P. _____ (_____), the Commission stated that it believes a limited regulatory exemption to §1-84b(b), allowing a former state employee to have contact with his or her former agency within one year for the purpose of being reemployed by that agency, would be appropriate. In order to help insure that the exemption is not misused as an improper reward for past favors or friendships, the Commission further stated that it would apply only if the reemployment is at no greater pay level than the individual was receiving at the time of separation from state service, plus necessary expenses if the work is performed as an independent contractor. Lastly, the Commission decided that until this issue is finally resolved, it would take no action against any individual whose activities may be at variance with the Commission's interpretation of §1-84b(b) in this matter.

The Department of Health Services' request to hire the former Director of the Office of Emergency Medical Services as a consultant fits precisely within the parameters of the

Commission's intended regulatory exemption to §1-84b(b).
Therefore, as far as the Ethics Commission is concerned, the
Department may proceed to hire Mr. Gentile as proposed.

By order of the Commission,



William A. Elrick
Chairperson

Dated 11/13/89

