



STATE OF CONNECTICUT

STATE ETHICS COMMISSION

ADVISORY OPINION NO. 90-19

Certification of Gifts to the State Which
Benefit a State Employee

The Honorable Howard Brown, the Banking Commissioner, has asked the Ethics Commission for guidance in implementing the certification procedures, outlined in Ethics Commission Advisory Opinion No. 89-35, 51 Conn. L.J. No. 28, p. 1C (January 9, 1990), for state employees' attendance at seminars where the sponsors offer discounts to government employees.

In Advisory Opinion No. 89-35, the Commission recognized that certain state employees not subject to the filing requirements of Conn. Gen. Stat. §1-83, and therefore not permitted to accept honoraria, may be offered fee waivers and/or expense payments to attend educational conferences which would benefit the State. The Commission ruled that if the organization sponsoring the conference offers similar discounts to all government employees, such discounts would qualify as permissible gifts to the State. Before the event, the employee's superior should certify in writing to the Commission that the employee's attendance at the conference would facilitate state business. The Commission cautioned that if there is not a general discount for government employees and the conference sponsor is waiving the conference fee and paying the necessary expenses for only one state employee, the employee's certifying superior must be certain that the benefit that the State might receive from the employee's attendance at the conference is not outweighed by the harm to the State which might result from a sense of obligation on the part of the state employee to the sponsor.

Commissioner Brown has asked to which kinds of sponsoring organizations Advisory Opinion 89-35 applies, *i.e.*, federal and other state governments, professional organizations, educational organizations, non-profit organizations and/or educational institutions. It was the Commission's original intent, as expressed in Advisory Opinion No. 89-35 and in draft regulations, to require written certification whenever a gift to

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the State benefits a state employee, regardless of the source of the gift or size of the benefit. After a six month trial period and consultation with several affected agencies, the Commission is convinced its original policy was overly broad. Therefore, the Commission has amended its proposed regulations to require certification only when: 1. the donor of the gift is an individual or entity regulated by, doing business with, or seeking to do business with the recipient agency; and 2. the total benefit to the state employee is fifty dollars or more. This revised requirement will greatly reduce paperwork while focusing disclosure on those transactions which offer the greatest opportunity for abuse. In determining if written certification is required when the contributor is an organization or association, the recipient agency should focus on whether the members of the donor organization are regulated by or do business with the agency. For example, if the donor organization is a trade association made up of companies regulated by the agency, certification is required even though the association itself is not regulated by the agency. However, if the donor organization is a professional association made up of state and federal regulatory officials, the contribution would not trigger the certification requirement, even if organizational dues paid by the regulatory official/members were originally generated by tax or fee payments from the regulated industry. Finally, if the association or organization is composed of both regulatory officials and members of the regulated industry, certification is required.

Commissioner Brown also asked whether the certification procedures of Advisory Opinion No. 89-35 apply if the hotel at which the conference is being held has a standard policy of discounting rates for government employees. It was not the Commission's intent to require certification in such an instance. To do so would be an unnecessarily broad application of the Ethics Code.

By order of the Commission,


Rabbi Michael Menitoff
Chairperson

Dated 6-8-90