



STATE OF CONNECTICUT  
STATE ETHICS COMMISSION

ADVISORY OPINION NO. 90-25 (AMENDED)

Reimbursement Of Lobbyists' Expenditures By  
Beneficiaries Of Such Expenditures

Connecticut General Statutes §§1-97(a) and 1-84(j) prohibit gifts of a total value of fifty dollars (\$50) or more per calendar year from a lobbyist to any state employee, public official, candidate for public office, or member of such person's staff or immediate family. In addition, Conn. Gen. Stat. §1-96(b) requires registered lobbyists to report in detail all expenditures of fifteen dollars (\$15) or more per person, per occasion, which benefit any public official in the legislative or executive branch, or member of such official's staff or immediate family.

Rachel Rubin, Ethics Commission staff attorney, has asked the Commission for an advisory opinion regarding whether a public official, state employee or candidate for public office, or a member of such person's staff or immediate family, may reimburse a lobbyist for expenses which exceed the limits established by Conn. Gen. Stat. §§1-84(j), 1-96(b) and 1-97(a) and, thereby, reduce such expenditures to amounts below the \$50 gift limit or below the \$15 itemization threshold. The Ethics Commission has previously required reimbursement of illegal expenditures as a remedial measure, but has not previously addressed by advisory opinion the issues raised by Attorney Rubin.

If an intended beneficiary of a lobbyist's expenditure wishes to reimburse the lobbyist in order to avoid accepting a gift or becoming a reportable beneficiary, there does not appear to be any statutory basis for disallowing such an exchange. The definition of "gift" contained in Conn. Gen. Stat. §§1-79(e) and 1-91(g) excludes an item for which consideration of equal or greater value is received. If consideration is tendered by the recipient and accepted by the bearer of the item, both the language of the statute and logic lead to the conclusion that the value of the item to the recipient is reduced by the amount of the consideration. The same reasoning applies to

reimbursement of those expenditures for food and beverage of less than fifty dollars per person, per occasion, which do not fall within the definition of "gift."

Pursuant to the requirements of Conn. Gen. Stat. §§1-96(a) and (b), and Regulations of Connecticut State Agencies §1-92-48(b), a lobbyist's full expenditure, together with any reimbursement, must be reported in detail in the monthly, quarterly or post-termination report next following the occasion or transaction, whenever the total expenditure after reimbursement is fifteen dollars per person or more. If, however, the reimbursement reduces the actual expenditure to less than fifteen dollars per recipient, the lobbyist need only report such amount in the aggregate. In the event reimbursement is not accomplished within the time limits established by the reporting requirements of Conn. Gen. Stat. §1-96, the full amount of the expenditure will be attributed to the lobbyist, with all attendant consequences to the donor and the recipient.

By order of the Commission,

*Rabbi Michael Menitoff*

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Rabbi Michael Menitoff  
Chairperson

Dated 11-5-90