



STATE OF CONNECTICUT
STATE ETHICS COMMISSION

ADVISORY OPINION NUMBER 91-11

Private Publications Utilizing a State Employee's Expertise

Ms. Elizabeth A. Flores, Assistant Director of the Waste Engineering and Enforcement Division of the Bureau of Waste Management (Waste Bureau) of the Department of Environmental Protection (DEP), has asked whether the Code of Ethics for Public Officials permits her to accept payment for writing a series of three articles for the Connecticut Academy of Scientists and Engineers (CASE). The subjects of the articles are household hazardous wastes, low-level radioactive wastes and remediation technologies.

Under the Code of Ethics for Public Officials, Connecticut General Statutes, Chapter 10, Part I, a public official or state employee may not accept outside employment which will impair independence of judgment as to state duties or require or induce disclosure of confidential information acquired in state service. Conn. Gen. Stat. §1-84(b). Additionally, no one subject to the Code may use his or her official position or confidential state information for personal financial benefit. Conn. Gen. Stat. §1-84(c). As a result, a state employee may not publish an outside treatise for profit if the employee is expected to provide the same information to the same class of persons in his or her state position, nor may a state employee otherwise be paid privately to do what he or she is essentially already required to do as part of his or her state job. See, e.g., Ethics Commission Advisory Opinion Nos. 90-15, 51 Conn. L. J. No. 51, p. 2D (June 19, 1990) and 89-9, 50 Conn. L. J. No. 44, p. 1C (May 2, 1989).

However, one may utilize expertise, including experience acquired in state service, for financial gain as long as one's actions do not breach §1-84(b), §1-84(c), or any other provision of the Code. Ethics Commission Advisory Opinion No. 89-14, 50 Conn. L. J. No. 52, p. 7C (June 27, 1989). Ms. Flores's authorship of the articles in question appears to be just such a permissible use of expertise. CASE was referred to Ms. Flores by one of her former university professors who knew of her education and training in the waste field. Ms. Flores states that, in fact, the Waste Bureau does not regulate household hazardous wastes, low-level radioactive wastes, or remediation technologies, and that the subjects of the articles are therefore not directly related to her state responsibilities. Ms. Flores further states that the articles were written on her own time and did not require her to disclose any confidential information.

Phone: (203) 566-4472

97 Elm Street (rear) • Hartford, Connecticut 06106

An Equal Opportunity Employer

The sole remaining issue to be considered is whether acceptance of a fee from CASE would affect Ms. Flores's independence of judgment with respect to her official duties. Ms. Flores states that she is not aware of any way in which CASE could benefit from her official actions, and, consequently, her independence of judgment with respect to her official duties will be unimpaired. In addition, if, in the future, Ms. Flores finds herself in a position to take official action with respect to CASE, Conn. Gen. Stat. §1-86(a) provides a mechanism whereby she may recuse herself, thereby avoiding any appearance of a conflict of interest.

By order of the Commission,

Rabbi Michael Menitoff

Rabbi Michael Menitoff
Chairperson

Dated 4/1/91