



STATE OF CONNECTICUT
STATE ETHICS COMMISSION

ADVISORY OPINION NO. 92-11

Section 1-84b(d) Prohibits Former Director Of Grant
Project From Accepting Employment, Within One Year, With
An Entity Which Received A Grant Award

As a science consultant employed by the State of Connecticut Department of Education (Department), the petitioner was instrumental in securing a \$7.8 million grant from the National Science Foundation (NSF) to fund a five-year project, known as Project CONNSTRUCT, to promote science, mathematics and technology education. Under the terms of the resultant cooperative agreement between the NSF and the Department, the Department assumed primary responsibility for "planning, operating, and managing . . . Project CONNSTRUCT," with the petitioner being designated one of several "key personnel" whose efforts were "essential to the work of the Project." The petitioner was subsequently named both project director of the grant and "principal investigator" for Project CONNSTRUCT.

One of Project CONNSTRUCT's tasks was the establishment and promotion of the Connecticut Academy for Education in Mathematics, Science and Technology (Academy), a "quasi-public non-profit organization to provide leadership and direction to education in mathematics, science and technology." The petitioner was successful in organizing the Academy, which was incorporated on or about November 25, 1991 with the petitioner as one of its five incorporators. On December 5, 1991, the Assistant Director of the Division of Curriculum & Professional Development of the Department of Education signed a grant award letter committing the Department to payment of the sum of \$1,071,094 to the Academy.

The petitioner, who retired from the Department on March 1, 1992, has asked, first, whether he may now accept employment with the Academy and second, whether he may continue to be involved in fundraising on behalf of the Academy.

Section 1-84b(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 his state position if his resignation occurs less than one year after the contract is signed. The Commission has interpreted this restriction to also apply to grants and other state awards implemented by contract. See Ethics Commission Advisory Opinion Nos. 91-13, 52 Conn. L.J. No. 50, p. 3C (June 11, 1991) and 89-27, 51 Conn. L.J. No. 17, p. 2C (October 24, 1989). In this instance, the grant award letter which obliged the State to pay the Academy the sum of \$1,071,094 was signed on December 5, 1991, less than one year prior to the petitioner's resignation from his state position. In his various roles as project director of the grant, principal investigator of CONNSTRUCT and one of the Academy's organizers and incorporators, the petitioner participated substantially in the negotiation or award of the contract between the Department and the Academy. The petitioner may not, therefore, accept employment with the Academy until March 1, 1993, one year after his resignation from his state position.

Parenthetically, The Commission notes that §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 he served at the time of his 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, 51 Conn. L.J. No. 15, p. 2C (October 10, 1989). Therefore, even if employment by the Academy were permissible within one year, the petitioner still would be precluded, for one year, from representing it before the Department of Education.

Finally, §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." The solicitation of State grant monies for the Academy in the context of the 5-year-long Project CONNSTRUCT is a particular matter in which the applicant participated personally and substantially while in state service, and is a matter in which the State has a substantial interest. Therefore, during the five-year life of Project CONNSTRUCT, the petitioner may not represent the Academy, or any other person or entity other than the State, concerning the solicitation of State grant monies for the Academy.

Based upon the foregoing restrictions, the petitioner may not, within one year after leaving State service, accept



employment with the Connecticut Academy for Education in Mathematics, Science and Technology. Furthermore, the petitioner may not represent the Academy concerning the solicitation of State grant monies until the expiration of the five-year term of Project CONSTRUCT.

By order of the Commission

Astrid P. Hanzalek
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Chairperson

Dated 4-6-92

