



# STATE OF CONNECTICUT

## STATE ETHICS COMMISSION

ADVISORY OPINION NO. 92-1

### Application of Code Of Ethics To "Trooper Of The Year" Award

The Executive Assistant to the Commissioner of Public Safety has asked whether an endowment fund established by a retired state police officer to provide a cash award each year to a current state police officer, who would be designated "Trooper of the Year", is acceptable under the Code of Ethics for Public Officials.

According to the former officer's attorney, the initial contribution to the fund will be approximately \$20,000. The fund would be administered by The Bridgeport Area Foundation, Inc. (the "Foundation"), which is described in its annual report as a "community fund for public giving." According to Foundation documents establishing the Deed of Gift, "the awardee would be recommended by officials of the Connecticut State Police on an annual basis." The final determination as to the recipient of the grant and the amount granted would be made by the Foundation's Distribution Committee, however.

The Code of Ethics for Public Officials does not permit state employees to use their office for personal financial gain. Conn. Gen. Stat. §1-84(c). No state employee may accept anything of value based on any understanding that his or her official action would be or had been influenced thereby. Conn. Gen. Stat. §1-84(g). Similarly, no person can offer anything of value to a state employee based on such an understanding. Conn. Gen. Stat. §1-84(f).

In the past, this Commission has held that a state employee may not accept an honorarium in return for performing tasks as a part of his or her state job, since to do so could be considered an inappropriate use of office for personal financial gain under Conn. Gen. Stat. §1-84(c). Ethics Commission Advisory Opinion No. 82-3, 43 Conn. L.J. No. 39, p. 9B (March 30, 1982). Under the scenario presented here, however, the award would not be bestowed as a quid pro quo for a specific action, but rather as an honor to the state police officer for his or her overall job performance. As long as the potential recipients are not in any way involved in the selection process, their acceptance of such an award under these particular circumstances does not appear to be a prohibited use of office.

Entities or persons directly regulated by, doing business with, or seeking to do business with an agency may not set up such an award without violating §1-84(c), however. For example, if this former officer had retired from state service to engage in a private enterprise which sought to do business with the Department of Public Safety, or which is directly regulated by the Department on a day-to-day basis (e.g., the trucking industry), he should not establish such an award. Similarly, it would be inappropriate for a lobbyist organization to fund an annual award for a State Ethics Commission "Employee of the Year," even if the ultimate selection is made by the agency or by an independent committee, since the donor is regulated by the Commission and its staff. The pressure on possible recipients to misuse their official positions, however unconsciously, is too great when the official relationship between donor and recipient is a close one.

The former officer's attorney has indicated that, although the fund as currently set up could accept contributions from other donors in the future, it may also be possible to seal the fund from such expansion. Given the burden that would be placed on the Foundation to police potential contributors to the fund, it is this Commission's position that the fund should be so sealed.

Finally, although the proposed award does not violate the Code of Ethics, it still may be subject to stricter Department rules, including, but not necessarily limited to, the requirements of Conn. Gen. Stat. §29-9, which limit the types of gifts or rewards that a state police officer may accept, unless approved by the Commissioner of Public Safety.

Because of the fact-specific nature of this Opinion, the ethical legality of any other such award should be determined by this Commission prior to its implementation.

By order of the Commission,

  
Astrid T. Hanzalek  
Chairperson

Dated 1-6-92