

CONNECTICUT STATE ETHICS COMMISSION
97 ELM STREET (REAR)
HARTFORD, CONNECTICUT 06106

In the Matter of a Request
for a Declaratory Ruling

86-A

Bruce S. Beck
Applicant

The spouse of the Chief Interpreter, Judicial Department, is the president and sole shareholder of a corporation formed to provide interpreting and translating services in any language for legal and non-legal civil, commercial, and personal matters. The corporation, its officers, and its employees will not provide any services to, or be involved with, any branch of State government. It will not have access to, or in any way utilize, any information not available to the general public.

The Chief Interpreter supervises the Judicial Department's statewide interpreting service and the court interpreters responsible for providing oral and written Spanish translation. Court interpreters provide Spanish language interpreting and translating services throughout the Superior Court system, to various elements of the Judicial Department, and, as available, to other State agencies in court-related activities. While the Judicial Department employs only Spanish-speaking court interpreters on a permanent basis, the duties of the Chief Interpreter include providing translation of documents to the specific language required and providing translation of court proceedings to clients in the specific language required.

The Chief Interpreter will provide no services to the corporation.

As an employee of the Judicial Department, the Chief Interpreter is subject to the Code of Ethics for Public Officials, Chapter 10, Part I, General Statutes. Subsection 1-79(k), General Statutes. Since the Chief Interpreter's spouse is president and sole stockholder of the corporation, the corporation is a business with which the Chief Interpreter is associated. Subsection 1-79(a), General Statutes.

As the situation has been presented, with the corporation providing no services to, and having no involvement with, any part of State government and the Chief Interpreter providing no services to the corporation, there should be no conflicts of interests as defined in the Code of Ethics.

Basically, the Code attempts to prevent use of State position, or confidential information gained in it, for the benefit of the State servant, his or her family, or a business with which the State servant is associated. Certain Code provisions have specific application when the Chief Interpreter's spouse owns a business providing interpreting and translating services.

The Chief Interpreter may not use her State position, or information gained in it which is not available to the general public, to obtain financial gain for herself, her spouse, or the corporation, a business with which she is associated. Subsection 1-84(c), General Statutes. Since the Chief Interpreter is providing no services to the corporation, there should be no violation of subsection 1-84(c). The agreement for the Chief Interpreter not to provide services to the corporation must, however, encompass services provided directly or indirectly. It would be a violation of subsection 1-84(c), for example, if the Chief Interpreter were to allow a court interpreter to work for the corporation during hours when the court interpreter should be carrying out State duties. It would also be a violation for the Chief Interpreter to state that a court interpreter was not available when one in fact was, to generate business for the corporation. (It might not be considered to be providing services to, or involvement with, the "State" if someone eligible to receive free interpreting or translating services from a court interpret, should one be available, were to have to hire the services on a private basis from the corporation.) Were the Chief Interpreter to learn, in the course of her duties, that a person needed interpreting services which the State would not provide, she should not refer the person to the corporation.

There are restrictions on the procedures to be utilized if the corporation were to enter into a contract with the State. Subsection 1-84(i), General Statutes. Because the corporation will be providing no services to the State, it should not be involved at all in State contracts.

Provided the total separation between the activities of the corporation and the State, including the activities of the Judicial Department's Chief Interpreter, is maintained, there appears to be no danger of violation of the Code by the Chief Interpreter, her spouse, or the corporation.

By order of the Commission,


Julie Peck
Chairperson

Dated Aug. 11, 1986