

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

88-A

In the Matter of a Request  
for a Declaratory Ruling

Shannon A. Rogelstad  
Applicant

The Director of Land Acquisition and Property Management in the Department of Environmental Protection (D.E.P.) is also the First Selectman for the Town of Willington, Connecticut. The Ethics Commission has been asked whether this constitutes a conflict of interests under the Regulations the Commission has issued pursuant to Section 5-266a, General Statutes.

The Director's responsibilities at D.E.P. include the administration of the State Open Space Grant in Aid Program which allocates funds to Connecticut municipalities for the purchase of land and development of recreational facilities. Federal funds are passed through the State to the municipalities by a cost-sharing formula.

The Code of Ethics for Public Officials Chapter 10, Part I, General Statutes, does not specifically apply to municipal offices. However, Commission Regulations do apply in limited circumstances when a classified State employee also holds an elected municipal office. See Section 5-266a-1, Regulations of Connecticut State Agencies. There is deemed to be a conflict of interests which precludes a person in the classified State service from continuing to hold elective municipal office when the State employee's department or agency has discretionary power to affect any grants or subsidies administered by the State, for which the municipality is eligible. Subdivision 5-266a-1(a)(2)(E), id. However, the classified State employee must also be in a position to (i) influence which municipality will be given a grant or subsidy or (ii) have discretion in the course of monitoring, approving periodic payments for, or conducting the final audit review of, any municipal grant or subsidy administered by the employee's department or agency. Id.

In applying the Regulations to the set of facts presented, it appears that the Director is faced with a conflict of interests problem. His State position is in the classified service and his Municipal position is elected. Therefore, he is subject to the Regulation in question. In his state job, he has direct administrative responsibility over grant applications, and, therefore, has influence in deciding which municipalities should receive grant monies. To avoid a violation of State Regulations, he must resign either his position as Director of Land Acquisition and Property Management or First Selectman of the Town of Willington. Since Commission Regulations are dispositive of the question posed, it is not necessary to discuss possible violations of the Code created by the Director's municipal employment.

By order of the commission,



William A. Elrick  
Chairperson

Dated

4/4/88