

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

88-13

In the Matter of a Request
for a Declaratory Ruling

Elliot T. Lane
Applicant

Attorney Elliot T. Lane has requested an interpretation of subsection 1-84b(d), General Statutes. Subsection 1-84b(d) states that:


"No former public official or 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, shall accept employment with a party to the contract other than the State for a period of one year after his resignation from his State office or position if his resignation occurs less than one year after the contract is signed."

Specifically, Attorney Lane has asked how this provision would apply in the following situation: His client, Mr. W. Lee Palmer, wishes to accept employment with Century Development Corporation, of which Mr. Mark Breen is President. As previously decided in Ethics Commission Advisory Opinion No. 88-5, 49 Conn. L.J. No. 43, p. 46B (April 26, 1988), employment of Mr. Palmer by Mr. Breen is, in general, consistent with the restrictions of subsection 1-84b(d). However, Century Development Corporation provides property management services to various buildings, including 10 Columbus Boulevard, which is owned by Hartford Square North Associates Limited Partnership. As determined in Ethics Commission Docket No. 88-9, employment of Mr. Palmer by Hartford Square North Associates Limited Partnership violated subsection 1-84b(d). It is anticipated

that, as part of his duties with Century Development Corporation, Mr. Palmer will provide property management services to 10 Columbus Boulevard. Attorney Lane wishes to know whether, under the circumstances, Mr. Palmer's employment by Century Development Corporation would be barred by the terms of subsection 1-84b(d).

In the opinion of the Commission, the employment in question would not be prohibited by 1-84b(d). The language of that subsection does not extend to clients or customers of employers, nor was it intended to be so broad. As long as Hartford Square North Associates Limited Partnership does not fulfill any facet of an employer's role, the contemplated employment will not violate subsection 1-84b(d) of the Code of Ethics for Public Officials, Chapter 10, Part I, General Statutes. Nevertheless, an appearance of impropriety will arise if Mr. Palmer provides services to a client or customer when he could not be employed by that entity without violation of the Code. Therefore, the Commission recommends that Century Development Corporation and Mr. Palmer assign another individual to furnish property management services to any client or customer which could not employ Mr. Palmer without his being in violation of subsection 1-84b(d), General Statutes.

By order of the Commission,



William A. Elrick
Chairperson

Dated 6-6-88