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## **Description of Organization and Rules of Practice**

### **I DESCRIPTION OF ORGANIZATION**

#### **Sec. 1-92-1. Creation and authority**

The Office of State Ethics was established as an independent entity by Section 1-80 of the Connecticut General Statutes. The Citizen's Ethics Advisory Board was established within the Office of State Ethics by Section 1-80. The Citizen's Ethics Advisory Board consists of nine members.

(Effective June 29, 1988, amended January 2, 2008)

#### **Sec. 1-92-2. Functions**

The Office of State Ethics is generally empowered to exercise specified grants of authority for the administration of statutes which establish codes of ethics for lobbyists and for public officials, as defined by Chapter 10 of the Connecticut General Statutes.

(Effective February 14, 1980, amended January 2, 2008)

#### **Sec. 1-92-3. Official address**

All communications should be addressed to the Office of State Ethics, 18-20 Trinity Street, Hartford, Connecticut 06106-1660.

(Effective March 13, 1996, amended January 2, 2008)

#### **Sec. 1-92-4. Public information**

The public may inspect the regulations, decisions and public records of the Office of State Ethics at its offices in Hartford. There is no prescribed form for requests for information. Written requests should be submitted to the Office of State Ethics at its above-stated official address.

(Effective May 24, 1978, amended January 2, 2008)

#### **Sec. 1-92-5. Office of State Ethics operation--signature of documents other than subpoenas**

The Office of State Ethics' orders and findings with memoranda of reasons therefor shall be signed on behalf of the Office of State Ethics by the Chairperson or the Vice Chairperson of the Citizen's Ethics Advisory Board. In the absence of the Chairperson or the Vice Chairperson, or upon the delegation of the Chairman or the board, any member of the Citizen's Ethics Advisory Board shall be empowered to sign such documents on the Office of State Ethics' behalf. Such a signature of any board member shall be presumed to be duly authorized by the Citizen's Ethics Advisory Board unless and until the contrary is demonstrated in any board proceeding or hearing.

(Effective February 14, 1980, amended January 2, 2008, June 24, 2009)

#### **Sec. 1-92-6. Clerk of the Citizen's Ethics Advisory Board**

(a) The clerk of the Citizen's Ethics Advisory Board carries out such duties as the Citizen's Ethics Advisory Board and the executive director may assign.

(b) The clerk of the Citizen's Ethics Advisory Board keeps and maintains all of the public records of the Citizen's Ethics Advisory Board and of the Office of State Ethics in an accessible location within the Office of State Ethics.

(c) The clerk of the Citizen's Ethics Advisory Board certifies documents as the acts of the Citizen's Ethics Advisory Board and of the Office of State Ethics. The

clerk also signs and certifies true and correct copies of the records of the Citizen's Ethics Advisory Board and Office of State Ethics.

(d) At the direction of the executive director, or the ethics enforcement officer, or the Chairperson or Vice-Chairperson of the Citizen's Ethics Advisory Board, or any other board member acting on behalf of the Citizen's Ethics Advisory Board, the clerk of the Citizen's Ethics Advisory Board may sign in the name of the Office of State Ethics or the Citizen's Ethics Advisory Board such notices, directives forms, instructions, and other official acts which may be required under the law for the performance of the duties of the Office of State Ethics or the Citizen's Ethics Advisory Board.

(Effective June 29, 1988, amended January 2, 2008)

### **Sec. 1-92-6a. Citizen's ethics advisory board**

Acting in the public interest, the Citizen's Ethics Advisory Board is the governing body for the Office of State Ethics. The board has statutory authority to administer the Code of Ethics for Public Officials and Code of Ethics for Lobbyists (Codes of Ethics). The board's responsibilities consist of all those delineated by the general statutes and sections 1-81-1 through 1-81-38, and 1-92-1 through 1-92-61, inclusive, of the Regulations of Connecticut State Agencies, and include issuance of advisory opinions, adoption of agency regulations, entry into contractual agreements necessary for the discharge of its duties, and the appointment, evaluation and removal of the executive director. The board is responsible for making legislative recommendations to the General Assembly, and presenting annual reports to the Governor that summarize the activities of the Office of State Ethics. The board is also responsible for adjudication of enforcement matters brought before it by the enforcement division. Upon a judge trial referee finding of probable cause, the board initiates hearings to determine whether there has been a violation of the Code. The board rules on all issues of fact at a board hearing, but shall defer to the judge trial referee's rulings on issues of law, procedure and evidence at such hearings. The board prescribes complaint forms and, through its clerk, issues notices of complaints. The board has authority to accept or reject any stipulated settlement following a judge trial referee's finding of probable cause. Upon a board finding pursuant to sections 1-82 or 1-93 that there has been a violation, the board may order filing of documents required by the codes, impose penalties, and issue cease and desist orders. The board may report its findings to the Chief State's Attorney, and/or the General Assembly, as appropriate. The board may also, in accordance with the Uniform Administrative Procedure Act, present and impose penalties for non-filers of any reports, statements or other information as required by the Codes of Ethics.

(Adopted effective January 2, 2008, amended June 24, 2009)

### **Sec. 1-92-6b. Executive director**

The executive director is the chief executive officer of the Office of State Ethics. The executive director has the overall responsibility for the welfare and effectiveness of the agency and is accountable to the Citizen's Ethics Advisory Board regarding the execution of his or her duties and responsibilities. The executive director, along with the general counsel and ethics enforcement officer, has responsibility to foster effective communication and coordination among all staff members. Except as otherwise set forth in the Connecticut General Statutes or these regulations, the executive director is responsible for, and authorized to conduct, all tasks and duties necessary for the proper functioning of the agency, including, but not limited to, the agency's budget, day-to-day operations, staffing needs, personnel policies, hiring

and firing of all Office personnel, equipment, record and database maintenance and storage, both in electronic and hard-copy format. In determining specific budgetary and staffing needs of the agency, the executive director, in his or her discretion, may consult with the general counsel and the ethics enforcement officer. The executive director is responsible for the agency's external relations with the public and other state agencies on matters regarding the policies, priorities and mission of the Office of State Ethics. The executive director is also the principal legislative liaison of the Office of State Ethics. In his or her legislative relations, the executive director is responsible for coordinating the agency's legislative strategy and priorities.

(Adopted effective January 2, 2008)

### **Sec. 1-92-6c. Enforcement division**

The ethics enforcement officer directs and supervises the enforcement division of the Office of State Ethics. The ethics enforcement officer has the obligation to assist the executive director in fostering effective communication within the Office of State Ethics relative to the execution of his or her statutory duties and the impact of the enforcement division's activity on the agency as a whole. In the exercise of his or her duties and responsibilities, the ethics enforcement officer is ultimately accountable, in accordance with chapter 67 of the Connecticut General Statutes, to the executive director for the quality of his or her work and that of the enforcement division. The ethics enforcement officer's responsibilities consist of all those delineated by the general statutes and sections 1-81-1 through 1-81-38, and 1-92-1 through 1-92-61, inclusive, of the Regulations of Connecticut State Agencies, and include investigation of potential violations of the Ethics Codes, issuance of complaints, and submittal of any alleged violation before a judge trial referee for a determination of probable cause. The ethics enforcement officer is responsible for the enforcement of the Codes of Ethics and the content of the matters pursued by the enforcement division. The enforcement division is also responsible for analyzing, and auditing forms required by Sections 1-83, 1-96 and 1-96e of the Connecticut General Statutes.

(Adopted effective January 2, 2008)

### **Sec. 1-92-6d. Legal division**

The general counsel directs and supervises the legal division of the Office of State Ethics. The general counsel has the obligation to assist the executive director in fostering effective communication within the Office of State Ethics relative to the execution of his or her statutory duties and the impact of the legal division's activity on the agency as a whole. In the exercise of his or her duties and responsibilities, the general counsel is ultimately accountable, in accordance with chapter 67 of the Connecticut General Statutes, to the executive director for the quality of his or her work and that of the legal division. The general counsel's responsibilities consist of all those delineated by the general statutes and sections 1-81-1 through 1-81-38, and 1-92-1 through 1-92-61, inclusive, of the Regulations of Connecticut State Agencies, and include providing the Citizen's Ethics Advisory Board with legal advice on matters before the board, representing the board in all matters in which the board is a party, unless the board requests the Attorney General to provide assistance. The general counsel is responsible for the content of the draft advisory opinions provided to the board and any informal staff opinions issued by the legal division. Once it is final, the general counsel will promptly disseminate the advisory opinion or informal staff opinion to the requesting party. The general counsel is

also responsible for the legal sufficiency of any proposed regulatory changes or amendments, the content of all legal advice given to the board, and the content of all legislative proposals submitted by the Office of State Ethics. In consultation with the executive director, the general counsel may testify before legislative committees regarding statutory reform and legislative proposals. The general counsel is responsible for the oversight of the Office of State Ethics' educational efforts, including the training of all state personnel in the code of ethics and public education regarding ethics. The general counsel works in consultation with the executive director regarding the administration of the educational programs, and is responsible for the content of the educational materials produced by the Office of State Ethics. Under the direction of the general counsel, the legal division is responsible for the interpretation of statutes, caselaw, regulations, and prior advisory and staff opinions. The legal division provides written information and written and verbal opinions to persons subject to the code and to the general public.

(Adopted effective January 2, 2008)

### **Sec. 1-92-7. Hearing officers**

Any administrative hearing convened pursuant to sections 1-88 (b) and 1-99 (b) may be held before (1) one or more hearing officers, provided that no individual who has personally carried out the function of an investigator in a case may serve as a hearing officer in that case, or (2) one or more members of the Office of State Ethics. The person or persons before whom an administrative hearing is to be held will be selected by the Citizen's Ethics Advisory Board, or any duly authorized subcommittee or representative thereof.

(Effective June 29, 1988, amended January 2, 2008, June 24, 2009)

### **Sec. 1-92-8.**

Repealed, January 2, 2008.

### **Sec. 1-92-9. Voting**

A majority of concurring votes of members present and voting (provided at least a quorum is present) is required for action of the Citizen's Ethics Advisory Board, except: (a) the concurring vote of six of its members present and voting is necessary to find a person in violation of Part 1 of Chapter Ten of the Connecticut General Statutes following a board hearing; (b) the concurring vote of six of its members, present and voting, may impose a civil penalty pursuant to subsection (b) of the Connecticut General Statutes Section 1-88, following a hearing conducted in accordance with sections 4-176e to 4-184 of the Connecticut General Statutes; (c) the concurring vote of two thirds present and voting is necessary to find a person in violation of Part 2 of Chapter Ten of the Connecticut General Statutes following a board hearing; (d) the concurring vote of two thirds of its members may impose a civil penalty pursuant to subsection (b) of the Connecticut General Statutes Section 1-99, following a hearing conducted in accordance with sections 4-176e to 4-184 of the Connecticut General Statutes; (e) any member of the Citizen's Ethics Advisory Board may, administer oaths, or receive oral or documentary evidence on behalf of the Office of State Ethics; and, (f) as otherwise required by law.

(Effective June 29, 1988, amended January 2, 2008, June 24, 2009)

### **Sec. 1-92-10. Reserved**

## II RULES OF PRACTICE ARTICLE 1 GENERAL PROVISIONS

### Part 1 – Scope and Construction of Rules

#### Sec. 1-92-11. Procedure governed

These rules govern the administrative practice and procedure before the Office of State Ethics of the state of Connecticut and its enforcement and legal divisions under the applicable laws of the state of Connecticut and except where otherwise provided by statute.

(Effective May 24, 1978, amended January 2, 2008)

#### Sec. 1-92-12. Definitions

The definitions provided by section 4-166 and Chapter 10, General Statutes, govern the interpretation and application of these rules. In addition, and except as otherwise required by the context:

(a) “Administrative hearing” means a hearing held pursuant to Chapter 54 of the Connecticut General Statutes (“the Uniform Administrative Procedure Act”) and includes any Hearing held pursuant to subsection (b) of section 1-88, or subsection (b) of section 1-99 of the Connecticut General Statutes.

(b) “Board” means the Citizen’s Ethics Advisory Board.

(c) “Board hearing” means a hearing of the Citizen’s Ethics Advisory Board, pursuant to Section 1-82(b) or 1-93(b) of the Connecticut General Statutes, at which the board determines, after a finding of probable cause, whether a violation of the Ethics Codes has occurred.

(d) “Board member “ means a person appointed to serve as a member of the Citizen’s Ethics Advisory Board when acting as such.

(e) “Evaluation” means an investigation conducted by the enforcement division prior to the issuance of a complaint.

(f) “Judge trial referee” means any judge trial referee appointed to preside at any hearing.

(g) “Hearing” means that portion of the Office of State Ethics’ procedures in the disposition of matters delegated to its jurisdiction by law wherein an opportunity for presentation of evidence and/or argument occurs, which is preceded by due notice. Hearing means and includes board hearings, probable cause hearings, and administrative hearings.

(h) “Party” means each person named or admitted by the Citizen’s Ethics Advisory Board as a party to a case, or properly seeking and entitled as of right to be admitted as a party. Each respondent shall be a party in all cases arising out of a complaint filed against the respondent under Chapter 10 of the Connecticut General Statutes.

(i) “Person” includes any individual, partnership, corporation, association, governmental subdivision, group of persons, or public or private organization of any character.

(j) “Complainant” refers to any person that has filed a complaint with the Office of State Ethics.

(k) “Respondent” means any person against whom a complaint has been filed with the Office of State Ethics or issued by the Office of State Ethics.

(l) “Preliminary investigation” means and includes all hearings, depositions, issuance of subpoenas, receipt of oral or documentary evidence, compulsion of attendance of witnesses, administration of oaths, or any other means of gathering

evidence conducted by the enforcement division of the Office of State Ethics pursuant to subsection (a) of section 1-82 or subsection (a) of section 1-93 of the Connecticut General Statutes, following the filing of a valid complaint. The purpose of a preliminary investigation is to gather sufficient evidence for the Office of State Ethics to determine whether, and to what extent, there is probable cause to believe a respondent has violated any provision of Chapter 10 of the Connecticut General Statutes, or any provision of these regulations as alleged in a complaint against the respondent, but does not include a probable cause hearing or a board hearing.

(m) “Probable cause hearing” means a hearing conducted pursuant to Section 1-82 (a)(2) or 1-93 (a)(2) of the Connecticut General Statutes, wherein a judge trial referee is charged with determining whether there is probable cause to believe that a violation of the Ethics Codes has occurred.

(n) “Third party” means any person or entity other than a complainant or respondent, but shall not be deemed to include other state or federal agencies.

(o) “Days” means calendar days, except as otherwise provided by law.

(p) “Petitioner” means any person who submits a request for an advisory opinion, a declaratory ruling, or any affirmative action on the part of the Citizen’s Ethics Advisory Board or the Office of State Ethics.

(Effective November 25, 1983, amended January 2, 2008)

### **Sec. 1-92-13. Reserved**

### **Sec. 1-92-14. Construction**

These rules shall be construed by the legal division of the Office of State Ethics, the Citizen’s Ethics Advisory Board, and any judge trial referee to secure just, speedy and efficient determination of the issues presented.

(Effective February 14, 1980, amended January 2, 2008)

### **Sec. 1-92-15. Extensions of time**

In connection with any probable cause hearing or board hearing, for good cause shown, the judge trial referee or the board may extend any time limit prescribed or allowed by these rules except time limits prescribed by statute. All requests for extensions shall be made before the expiration of the period originally prescribed or as previously extended.

(Effective May 24, 1978, amended January 2, 2008)

### **Sec. 1-92-16. Consolidation of proceedings**

Subject to respondent’s rights to confidentiality, proceedings involving related questions of law or fact may be consolidated at the direction of the the board, the judge trial referee or the ethics enforcement officer.

(Effective May 24, 1978, amended January 2, 2008)

### **Sec. 1-92-17. Rules of conduct**

Where applicable, the canons of professional ethics and the canons of judicial ethics adopted and approved by the judges of the Superior Court govern the conduct of the board members, the employees of the Office of State Ethics and all attorneys, agents, representatives and any other persons who appear before the Office of State Ethics, the board or judge trial referee in any hearing, meeting, or in any other enforcement proceeding.

(Effective May 24, 1978, amended January 2, 2008)

**Sec. 1-92-18. *Ex parte* communication**

Unless required for the disposition *ex parte* of matters authorized by law, neither members of the Citizen's Ethics Advisory Board nor any person designated as a judge trial referee shall communicate directly or indirectly with any person or party concerning any issue of fact or with any party or his representative concerning any issue of law involved in any probable cause hearing or board hearing that has been commenced, except upon notice and opportunity for all parties to participate. During the course of any board hearing, no *ex-parte* communication concerning the complaint or the respondent shall occur between the board, or any of its members, and: (1) the judge trial referee, (2) any staff member of the Enforcement Division of the Office of State Ethics, (3) the respondent or his representative, or, (4) intervenors or their representatives (if any). The members of the board may severally communicate with each other, in conformity with the Freedom of Information Act, and may have the aid and advice of the general counsel of the Office of State Ethics, members of the legal division of the Office of State Ethics, or the Attorney General when such assistance is requested by the board or the judge trial referee. The board, or the staff of the legal division on its behalf, or any proper party may address the judge trial referee regarding any procedural issue affecting the proceedings. This rule shall not be construed to preclude such routine communications as are necessary to permit the board and/or the staff of the Office of State Ethics to investigate facts and to conduct informal staff conferences at any time during, and after any hearing, meeting or other enforcement proceeding provided such routine communications during a board hearing do not involve *ex parte* discussions between the enforcement division staff and any board member concerning the complaint or the respondent.

(Effective February 14, 1980, amended January 2, 2008, June 24, 2009)

**Part 2 - Formal Requirements****Sec. 1-92-19. Principal office**

The principal office of the Office of State Ethics is located at 18-20 Trinity Street, Hartford, Connecticut 06106-1660. The Office of State Ethics is open to the public from 8:30 a.m. to 4:30 p.m. each weekday except Saturdays, Sundays and legal holidays.

(Effective June 29, 1988, amended March 3, 1998, January 2, 2008)

**Sec. 1-92-20. Date of filing**

All orders, decisions, findings of fact, complaints, correspondence, motions, petitions, and any other documents governed by these rules shall be deemed to have been filed or received on the date on which they are issued or received by the Office of State Ethics at its principal office, except as may hereinafter be provided.

(Effective May 24, 1978, amended January 2, 2008)

**Sec. 1-92-21. Signatures**

Every statement, report, complaint, application, notice, motion, petition, brief and memorandum shall be signed on behalf of the person filing.

(Effective May 24, 1978, amended January 2, 2008)

**Sec. 1-92-22. Identification of communications to the Office of State Ethics**

Communications should embrace only one matter, and should contain the name and address of the sender and an appropriate file reference to the subject of the communication. When the subject matter pertains to an enforcement proceeding

pending before the Office of State Ethics, the title of the proceeding and the Office of State Ethics docket number should be given.

(Effective May 24, 1978, amended January 2, 2008)

**Sec. 1-92-23. Subpoenas issued by the Office of State Ethics**

At any time after the ethics enforcement officer has received or filed a complaint and has determined that there is sufficient evidence to inquire into the complaint, he or she may seek board authority to subpoena witnesses to compel their attendance before the Office of State Ethics, or before any designated judge trial referee, and to require the production for examination of any books and papers which he or she deems relevant to the complaint. Subpoenas in preliminary investigations shall be issued either pursuant to a majority vote of the Citizen's Ethics Advisory Board or pursuant to the signature of its Chairperson or, in the case of unavailability of the Chairperson, the Vice Chairperson of such board. If a person to whom a subpoena is issued fails to appear or if, having appeared, refuses to testify or produce the evidence required by the subpoena, then the following occurs:

(1) when the failure or refusal occurs in the course of a preliminary investigation the Office of State Ethics may, as authorized by Section 1-3b of the Connecticut General Statutes, apply to the Superior Court to order such person to appear, or give testimony, or produce such evidence, as the case may be, and

(2) when the failure or refusal occurs in the course of a probable cause hearing or board hearing, the judge trial referee will, under the authority conferred by those subsections, take the action he/she deems necessary or appropriate.

(Effective June 29, 1988, amended January 2, 2008, June 24, 2009)

**Sec. 1-92-23a. Reimbursement of legal expenses**

(a) If, after a probable cause hearing the judge trial referee finds that there is no probable cause to believe that a public official or State employee has violated a provision of Chapter 10, Part I of the Connecticut General Statutes or Section 1-101nn of the Connecticut General Statutes, or if the board determines that a public official or State employee has not violated any such provision, or if a court of competent jurisdiction overturns a finding by the board of a violation by such respondent, the State will pay the reasonable legal expenses of the respondent as determined by the Attorney General or by the court if appropriate.

(b) When reimbursement of legal expenses is authorized by subsection (a), the request for reimbursement shall be submitted to the board within thirty (30) days of the judge trial referee's finding (or, if the Board determines that a public official or state employee has not violated the Code, within thirty (30) days of such finding; or, if a court of competent jurisdiction renders a final decision that no violation has occurred, within thirty (30) days of the time that such decision becomes final). The request shall be accompanied by an itemized bill from respondent's counsel stating:

- (1) the specific work performed by counsel;
- (2) the identity of the attorney or other person performing each task;
- (3) the amount of time, to the nearest tenth of an hour, spent on each task;
- (4) the amount of compensation sought for each task;
- (5) an itemized statement of disbursements; and
- (6) any other information helpful in determining the reasonableness of the amount of reimbursement requested.

(c) The board, with assistance from the legal division, will review the request and forward it, with any comments deemed appropriate, to the Attorney General

for a determination pursuant to subsection (c) of section 1-82 of the Connecticut General Statutes.

(Effective December 20, 1985, amended January 2, 2008, June 24, 2009)

**Article 2 - Preliminary investigations and evaluations under subsection  
(a) of section 1-82 and subsection (a) of section 1-93  
of the Connecticut General Statutes**

**Sec. 1-92-24. Evaluations**

(a) Prior to the filing of a complaint, the ethics enforcement officer may conduct an evaluation of any person or entity for the purpose of determining whether there is probable cause to believe that the person or entity has violated the Ethics Codes. An evaluation may begin at any time that the enforcement division has reasonable suspicion that a violation of the Ethics Codes has occurred, but in any event no later than the date on which the enforcement division contacts a third party for information regarding the subject of the investigation.

(b) During the course of an evaluation, the ethics enforcement officer may request information, including documents from any person believed to be in possession of information relevant to the evaluation. The ethics enforcement officer or his or her designee may, during the course of an evaluation, meet with any person believed to be in possession of relevant information, conduct investigative and/or research tasks as deemed necessary and appropriate, and may otherwise collect information and evidence from the potential respondent(s) and other potential witnesses.

(c) Within five business days after the enforcement division of the Office of State Ethics first has contact with a third party that involves the disclosure of information concerning the matter sufficient to permit identification of the subject, notice shall be given to the subject of the evaluation as required by subsection (a) of section 1-82 and/or subsection (a) of section 1-93 of the Connecticut General Statutes. The notice shall state the fact of the evaluation; advise that the evaluation is confidential unless the subject requests in writing that it be public; and, in general terms, identify the possible code violation or violations under review.

(d) The ethics enforcement officer may terminate any evaluation upon his or her determination that there is not probable cause to believe that a violation of the Ethics Codes has occurred. If, prior to such determination, a notice of evaluation has been given to the subject of the evaluation pursuant to subsection (c) of this section, the ethics enforcement officer shall, upon his or her determination of no probable cause, notify the subject that the evaluation has been terminated.

(e) Any investigation conducted as a result of reports received by the enforcement division pursuant to section 1-101pp of the Connecticut General Statutes shall be deemed to be an evaluation of the person or entity about whom the report is made. The enforcement division's receipt of information from a report filed pursuant to section 1-101pp of the Connecticut General Statutes, shall not be deemed to be contact with a third party pursuant to sections 1-82(a) or 1-93(a). The confidentiality provisions of section 1-82a of the Connecticut General Statutes shall not apply to the reporting agency's subsequent disclosure of information to: (1) the Auditor of Public Accounts; (2) the Chief State's Attorney; (3) the Attorney General; (4) the United States Attorney; (5) to others within the reporting agency, where the failure to do so would substantially impair the agency's ability to operate; or (6) any other person that is entitled, by statute or court order, to receive such information. Nothing herein shall prohibit the reporting agency from conducting normal, legal business relations with the subject of a report.

(Effective February 27, 1986, amended January 2, 2008, June 24, 2009)

**Sec. 1-92-24a. Complaints**

(a) The ethics enforcement officer shall evaluate any alleged violation of the Ethics Codes that is written on the complaint form prescribed by the board, which form shall be available at the Office of State Ethics and on the web site for the Office of State Ethics hosted by the State, provided that the complaint:

- a. Is signed under penalty of perjury;
- b. Is delivered or mailed to the Office of State Ethics at 18-20 Trinity Street in Hartford;
- c. Clearly sets forth facts that, if true, would constitute a violation of the Ethics Codes;
- d. Identifies a respondent with sufficient particularity that the complaint may be served upon him or her.

(b) If any allegation of violation received by the Office of State Ethics fails to satisfy any of the criteria set forth in paragraph (a), the ethics enforcement officer may, at his or her discretion, nonetheless evaluate the alleged violation and, if appropriate, may issue his own complaint on behalf of the Office of State Ethics.

(c) A complaint issued by the ethics enforcement officer on behalf of the Office of State Ethics pursuant to subsection (a) of section 1-82 and subsection (a) of section 1-93 of the Connecticut General Statutes shall be deemed to have been issued by the Board or its duly authorized representative.

(d) The notice of complaint to respondent required by subsection (a) of section 1-82 and subsection (a) of section 1-93 of the Connecticut General Statutes shall include a statement informing respondent of his or her right to appear and be heard before the enforcement division of the Office of State Ethics and shall be accompanied by a copy of the complaint. The notice shall further indicate that a probable cause hearing will be held upon receipt by the enforcement division of the Office of State Ethics of a written request from respondent, and that the hearing will be commenced no later than one hundred twenty (120) days after receipt by the enforcement division of the Office of State Ethics of the request. Except upon a finding of probable cause or upon the request of the respondent, a complaint alleging a violation of Chapter 10 of the Connecticut General Statutes, shall remain confidential. Until a finding of probable cause, the enforcement division of the Office of State Ethics' preliminary investigation of a complaint, shall be confidential unless respondent requests in writing that the preliminary investigation, including any hearings, be open to the public. If the preliminary investigation is confidential, the allegations in the complaint and any information supplied to or received from the enforcement division of the Office of State Ethics shall not be disclosed to any third party, during the preliminary investigation, by a complainant, respondent, witness, designated party, or the board, or staff members of the enforcement division of the Office of State Ethics.

(e) A complaint filed with the Office of State Ethics may not be withdrawn by the complainant except with leave of the Citizen's Ethics Advisory Board.

(f) The filing with the Office of State Ethics of any complaint, application, motion, petition or request of any nature whatsoever shall not relieve any person of the obligation to comply with any statute, or with any regulation or order of the Office of State Ethics, or with any order of a presiding judge trial referee.

(Effective November 19, 1981, amended January 2, 2008, June 24, 2009)

**Sec. 1-92-24b. Preliminary investigations**

(a) Upon the receipt of a valid complaint pursuant to 1-92-24a (a), or upon the filing of its own complaint, the ethics enforcement officer shall conduct a preliminary

investigation of the violation(s) alleged in the complaint and, if necessary, of any other related violations of the Ethics Codes that are alleged or discovered during the course of the preliminary investigation.

(b) In the conduct of its preliminary investigation of an alleged violation of the Ethics Codes, the enforcement division shall have the power to hold hearings, administer oaths, examine witnesses, receive oral and documentary evidence, subpoena witnesses, and conduct such other reasonable and lawful tasks as are necessary to determine whether there is probable cause to believe that a violation of the Ethics Codes has taken place.

(c) In the conduct of a preliminary investigation, subject to section 1-92-23 of these regulations, the enforcement division may issue a subpoena *duces tecum* to any person or entity in the state of Connecticut who may be in possession of documents that are pertinent to a determination of whether an alleged violation of the Ethics Codes has occurred, or in possession of documents that may lead to the discovery of other persons in possession of pertinent documents or information. Such subpoena shall compel the person or entity named therein to produce such documents within a reasonable time period in the time, manner, and place set forth in the subpoena. Any subpoena issued hereunder shall be served by personal service, certified mail, or any other means agreed upon by the person being served or his counsel.

(d) In the conduct of a preliminary investigation, subject to section 1-92-23 of these regulations, the enforcement division may issue subpoena *testificadum* to any person or entity in the state of Connecticut who may be in possession of information that is pertinent to a determination of whether an alleged violation of the Ethics Codes has occurred, or in possession of documents that may lead to the discovery of other persons in possession of pertinent documents or information. Such subpoena shall compel the person or entity named therein to appear at the Office of State Ethics, or such other place selected by the ethics enforcement officer, at the specific time and date set forth in the subpoena. Any subpoena issued hereunder shall be served by personal service, certified mail, or any other means agreed upon by the person being served or his counsel. Except upon the direction of the Office of State Ethics, for good cause shown, the taking of testimony pursuant to a subpoena issued hereunder shall be as follows:

1. The testimony shall be under oath.
2. Any board member, notary public, court reporter, judge, judge trial referee, commissioner of the superior court, and any member of the Office of State Ethics who is a licensed attorney in the state of Connecticut, shall have the power and authority to administer an oath.
3. The testimony may be recorded by stenographer, court reporter, video recorder, tape recorder, digital recorder, or such other means. The means of recording shall be at the sole discretion of the ethics enforcement officer or his or her designee.
4. The witness shall be entitled to have counsel present at all times during examination.
5. Other than the witness, the witness's counsel, and representatives of the enforcement division, no person shall attend any deposition or hearing under this subsection except with the express permission of the ethics enforcement officer.
6. Any transcript or recording of any deposition hereunder shall remain confidential pursuant to sections 1-82, 1-82a, 1-93, and 1-93a of the Connecticut General Statutes.

(e) In the conduct of a preliminary investigation, the enforcement division may issue an investigative demand upon any person or entity who may be in possession

of information that is pertinent to a determination of whether an alleged violation of the Ethics Codes has occurred. The investigative demand shall set forth questions to be answered, under oath, by the recipient, and provide sufficient space following each question for the answerer to insert the answer to the question.

(f) The enforcement division may terminate a preliminary investigation at any time prior to the conclusion of a probable cause hearing if it determines that probable cause is not likely to be found on the facts available to the enforcement division and/or if the ethics enforcement officer determines it is not in the State’s best interest to proceed with the preliminary investigation. Not later than three business days after termination of the preliminary investigation the Office of State Ethics will notify the complainant and the respondent of its finding and provide them a summary of its reasons for making that finding. The Office of State Ethics shall publish the finding upon the respondent’s request and may also publish a summary of its reasons for making such finding. Any such publication shall be within thirty days after receipt of the respondent’s request, which request shall be addressed to the ethics enforcement officer, in writing.

(g) As soon as the board determines that any person may have knowingly acted in his or her financial interest in violation of sections 1-84, 1-85, 1-86 or 1-86d of the Connecticut General Statutes, or that any person may have knowingly received a financial advantage resulting from a violation of those sections, it shall inform the Attorney General of that possibility. The board’s determination that there is a possibility of illegal gain may be made in the course of a preliminary investigation or during subsequent proceedings.

(Effective January 1, 1984, amended January 2, 2008, June 24, 2009)

**Sec. 1-92-24c.**

Repealed, March 21, 1995.

**Article 3 – Hearing Procedure for Determination of Violations under  
Subsection (b) of Section 1-82 and Subsection (b) of  
Section 1-93 of the Connecticut General Statutes  
Part 1 – General Rules Related to Hearings**

**Sec. 1-92-25.**

Repealed, January 2, 2008.

**Sec. 1-92-26. Representation of parties**

(a) Each person authorized to participate in any hearing as a party shall file a written notice of appearance with the enforcement division of the Office of State Ethics no later than fifteen (15) days prior to the hearing. Such appearance may be filed in behalf of the parties by an attorney, an agent, or other duly authorized representative subject to the rules hereinabove stated. The filing of a written appearance may be excused by the enforcement division of the Office of State Ethics or, in the case of a probable cause hearing, by the judge trial referee, for good cause shown.

(b) Upon receipt of the appearance, the Office of State Ethics shall direct all official notices and correspondence to the party, attorney, agent, or other duly authorized representative named in the written appearance form, at the address or location stated therein, and any official notice received by any named attorney, agent, or other duly authorized representative shall be deemed to have been received by the party.

(Effective June 29, 1988, amended January 2, 2008)

**Sec. 1-92-27. Reserved****Sec. 1-92-28. Location of hearings**

Unless by statute or by direction of the Office of State Ethics a different place is designated, all hearings of the Office of State Ethics will be held at Hartford at the office of the Office of State Ethics.

(Effective May 24, 1978, amended January 2, 2008)

**Sec. 1-92-29. Notice of hearings**

(a) **Persons notified.** The enforcement division of the Office of State Ethics will give written notice of a hearing in any pending matter to all parties, and to all persons otherwise required by statute to be notified. Written notice shall be given to such additional persons as the enforcement division of the Office of State Ethics directs. The enforcement division of the Office of State Ethics may give such public notice of the hearings as the enforcement division of the Office of State Ethics deems appropriate within the provisions of Chapter 10 of the Connecticut General Statutes.

(b) **Contents of notice.** Notice of a hearing will include but not be limited to the following: (1) a statement of the time, place and nature of the hearing; (2) a statement of the legal authority and jurisdiction under which the hearing is to be held and the particular sections of the statutes and regulations involved; (3) a short and plain statement of the matters asserted, including the purpose of the hearing and the principal facts to be asserted therein.

(Effective June 29, 1988, amended January 2, 2008)

**Sec. 1-92-29a. Filing and maintenance of papers related to hearings**

(a) For purposes of this section, the term “paper” means a document, other than a document a party intends to introduce as evidence at a hearing, that is filed with the OSE during the course of, and relating to, a hearing conducted under section 1-82 or 1-93 of the Connecticut General Statutes (i.e., a pleading or memorandum).

(b) Except for papers relating to the settlement of contested case proceedings, any paper, howsoever designated, shall be filed by delivering the original and one (1) copy to the Clerk of the Board.

(c) Any such paper filed by a party or intervenor with the Clerk of the Board also shall be served upon all other parties and intervenors or, if such other parties and intervenors appear by counsel, upon such counsel, whether such requirement of service is specifically recited elsewhere or not.

(d) Upon agreement by the parties and the approval of the Judge Trial Referee, the parties may file papers electronically.

(e) Unless otherwise ordered by the Judge Trial Referee, the original of any paper and one (1) copy shall be filed with the Judge Trial Referee during a hearing.

(f) The Clerk of the Board shall maintain the original of all such papers in the record.

(Adopted effective June 24, 2009)

**Part 2 - Probable Cause Hearings****Sec. 1-92-30. Probable cause hearings**

(a) The enforcement division of the Office of State Ethics may request a probable cause hearing at any time following the notice of complaint and shall provide notice of at least forty five (45) days prior to the start of such probable cause hearing. The enforcement division of the Office of State Ethics may continue its preliminary investigation after providing notice of a probable cause hearing.

(b) In any notice of a probable cause hearing, the enforcement division of the Office of State Ethics will identify the complainants and respondents. Subsequent to the issuance of the notice of probable cause hearing no person before the Office of State Ethics other than a respondent has standing as a party in the proceeding except upon the express order of the Citizen's Ethics Advisory Board, its authorized designee, or of the judge trial referee.

(c) The enforcement division of the Office of State Ethics shall contact the Chief Court Administrator prior to the date of commencement of any probable cause hearing, and request that the Chief Court Administrator designate a judge trial referee to preside over the probable cause hearing.

(d) Not later than ten days prior to the commencement of any probable cause hearing, the enforcement division of the Office of State Ethics shall provide the respondent with a list of its intended witnesses. Not later than three days prior to the commencement of any probable cause hearing, the respondent shall provide the enforcement division of the Office of State Ethics with a list of the respondent's intended witnesses.

(e) At any probable cause hearing, the following rules shall be followed in the admission of testimony and exhibits:

(i) Any oral or documentary evidence may be received, but the judge trial referee shall, as a matter of policy, exclude irrelevant, immaterial or unduly repetitious evidence. The judge trial referee shall give effect to the rules of privilege recognized by law in Connecticut where appropriate to the conduct of the hearing.

(ii) Documentary evidence may be received at the discretion of the judge trial referee in the form of copies or excerpts, if the original is not found readily available. Upon request by any party an opportunity shall be granted to compare the copy with the original, which shall be subject to production by the person offering such copies, pursuant to the provisions of section 52-180 of the Connecticut General Statutes.

(iii) Cross-examination of witnesses shall be conducted in a manner that the judge trial referee deems necessary and appropriate for a full and true disclosure of facts.

(iv) The judge trial referee may take administrative notice of judicially cognizable facts, including the records and the prior decisions, opinions, and orders of the Office of State Ethics or the State Ethics Commission.

(v) The judge trial referee may take administrative notice of generally recognized technical facts within the Office of State Ethics' specialized knowledge. Parties shall be afforded an opportunity to contest the material so noticed by being notified before or during the hearing, or by an appropriate reference in preliminary reports or otherwise of the material noticed.

(vi) The judge trial referee may permit any party or witness to offer testimony in written or recorded form. Such written or recorded testimony shall be received in evidence with the same force and effect as though it were stated orally by the party or witness who has given the evidence, provided that (1) the party or witness shall be present at the hearing at which his or her testimony is offered, and shall adopt the written or recorded testimony under oath, and shall thereafter be made available for cross-examination; or (2) the parties so agree. Prior to its admission such written or recorded testimony shall be subject to objections by parties.

(vii) In hearings conducted under this section, the party that shall open and close the presentation of the case shall be a member of the staff of the enforcement division of the Office of State Ethics.

(f) If, following a probable cause hearing, the judge trial referee makes a finding of no probable cause, the complaint and the record of its investigation shall remain

confidential, except upon the written request of the respondent and except that some or all of the record may be used in subsequent proceedings. No complainant, respondent, witness, designated party, or board or staff member of the Office of State Ethics shall disclose to any third party any information learned from the investigation, including knowledge of the existence of a complaint, which the disclosing party would not otherwise have known. If such a disclosure is made, the judge trial referee may, after consultation with the respondent if the respondent is not the source of the disclosure, publish its finding and a summary of its reasons therefore.

(g) A finding of probable cause shall be made public not later than five business days after the termination of the investigation. At such time the entire record of the investigation shall become public, except that the Office of State Ethics may postpone examination or release of such public records for a period not to exceed fourteen days for the purpose of reaching a stipulation agreement pursuant to subsection (c) of section 4-177 of the Connecticut General Statutes. Any such stipulation shall be approved by a majority of those members of the Citizen's Ethics Advisory Board present and voting.

(Effective June 29, 1988, amended January 2, 2008, June 24, 2009)

### **Sec. 1-92-30a.**

Repealed, January 2, 2008.

## **Part 4 - Hearings, Record and Decision**

### **Sec. 1-92-31. Board hearings**

(a) Within thirty (30) days of a finding of probable cause pursuant to Sections 1-82 (a)(2) or 1-93 (a)(2) of the Connecticut General Statutes, the Citizen's Ethics Advisory Board shall initiate a hearing pursuant to Sections 1-82 (b) and 1-93 (b) of the Connecticut General Statutes to determine whether there has been a violation of the Ethics Codes. The thirty (30) day time period shall not apply if the judge trial referee determines that good cause exists for extending such limitation period.

(b) The enforcement division of the Office of State Ethics shall contact the Chief Court Administrator prior to the date of commencement of any board hearing, and request that the Chief Court Administrator designate a judge trial referee who has not taken part in the probable cause determination to preside over the board hearing.

(c) The judge trial referee shall rule on all issues concerning the application of the rules of evidence, which rules shall be the same as in judicial proceedings. The judge trial referee shall have no vote in the decision of the board as to whether a violation has occurred. The judge trial referee shall have the same authority as is provided in Section 51-35 of the Connecticut General Statutes, over witnesses who refuse to obey a subpoena or to testify with respect to any matter upon which such witness may be lawfully interrogated, and may commit any such witness for contempt for a period of no longer than thirty days.

(d) The respondent at the hearing shall have the right to be represented by legal counsel, the right to compel attendance of witnesses and the production of books, documents, records and papers and to examine and cross-examine witnesses.

(1) Not later than fifteen days prior to the commencement of any board hearing, the enforcement division of the Office of State Ethics shall provide the respondent, and any other party to the proceeding, with copies of all exhibits that it anticipates will be introduced into evidence in the direct presentation of its case. Except as otherwise ordered by the judge trial referee, each exhibit shall be marked by the enforcement division prior to being copied and exchanged.

(2) Not later than ten days prior to the commencement of any board hearing, the respondent, and any other party to the proceeding, shall provide the enforcement division of the Office of State Ethics with copies of all exhibits that it/they anticipate(s) will be introduced into evidence in the responsive presentation of its/their case(s). Except as otherwise ordered by the judge trial referee, each exhibit shall be marked by the respondent, or party where applicable, prior to being copied and exchanged.

(3) Not later than five days prior to the commencement of any board hearing, the enforcement division, the respondent, and any other party to the hearing shall each draft and exchange, in writing, a list of the exhibits of which each plans on making objection to their introduction. For each exhibit that is the subject of an anticipated objection, the objector shall identify the exhibit and articulate the reason that he or she believes the evidence should be excluded. All written objections shall be filed with the judge trial referee prior to the commencement of the board hearing, or as otherwise directed by the judge trial referee.

(4) Prior to the commencement of any board hearing, the enforcement division, the respondent, and any other party, shall make *bona fide* attempts to resolve any objections that have been raised to proposed exhibits.

(5) If, after *bona fide* attempts at resolution have failed to resolve an objection, any party may file a motion *in limine* with the judge trial referee regarding the admission or exclusion of evidence that has been the subject of the objection. Such motion shall be in writing and shall describe the anticipated evidence and the prejudice which may result therefrom. The judge trial referee may grant the relief sought in the motion or such other relief as it may deem appropriate, may deny the motion with or without prejudice to its later renewal, or may reserve decision thereon until a later time in the proceeding.

(e) Not later than ten days prior to the commencement of any board hearing, the enforcement division of the Office of State Ethics shall provide the respondent with a list of its intended witnesses. Not later than three days prior to the commencement of any board hearing, the respondent shall provide the enforcement division of the Office of State Ethics with a list of the respondent's intended witnesses.

(f) The record before the Citizen's Ethics Advisory Board in any hearing conducted pursuant to Sections 1-82 (b) or 1-93 (b) of the Connecticut General Statutes, shall include:

(1) all motions, applications, petitions, complaints, responding pleadings, bills of particulars, notices of hearing, and intermediate rulings;

(2) the evidence received and considered by the Citizen's Ethics Advisory Board;

(3) questions and offers of proof, objections, and the rulings thereon during the hearing; and

(4) the official transcript, if any, of the proceedings of the case or, if not transcribed, any recording or stenographic record of the proceeding.

(g) The board hearing shall commence upon the presentation of evidence to the board for its consideration. The board hearing shall conclude upon the completion of oral summation arguments by the parties or, if none, upon the beginning of deliberations by the board following the presentation of all evidence.

(h) The record before the board shall not include evidence considered and rejected by the judge trial referee prior to the commencement of the board hearing.

(i) The board hearing shall be concluded within ninety days after its initiation, except that this time period shall not apply if the judge trial referee determines that good cause exists for extending such limitation period.

(j) No person may be found in violation of the Ethics Codes at any board hearing hereunder except upon the concurring vote of six board members present and voting. A member of the board must be physically present for the duration of any board hearing in order to vote on a question of whether a violation has occurred.

(k) Not later than fifteen days after the conclusion of the board hearing, the board shall publish its finding and a memorandum of the reasons therefore. Such finding shall be in writing and shall be deemed to be the final decision of the board on the matter for the purposes of chapter 54 and, if aggrieved by the finding and memorandum, the respondent may appeal therefrom to the Superior Court in accordance with Section 4-183 of the Connecticut General Statutes. The final decision shall become part of the record of the board.

(l) In no event may new evidence, not admitted into evidence at the board hearing, be submitted to or considered by the board in its deliberations regarding its findings, or the drafting of the memorandum thereafter.

(Effective June 29, 1988, amended January 2, 2008, June 24, 2009, September 5, 2012)

### **Part 5 – Remedies and Penalties**

#### **Sec. 1-92-32. Amount of civil penalty to be imposed**

In its determination of the amount of the civil penalty to be imposed, the board shall consider, among other mitigating or aggravating circumstances:

- (1) the gravity of the act or omission;
- (2) the amount necessary to insure immediate and continued compliance;
- (3) the previous history of similar acts or omissions; and
- (4) whether the person has shown good faith in attempting to comply with the applicable provisions of the Connecticut General Statutes.

(Effective May 24, 1978, amended January 2, 2008)

#### **Sec. 1-92-32a. Collection of penalties and forfeitures**

Any civil penalty collected by, or monies remitted to the Office of State Ethics pursuant to sections 1-88, 1-89, 1-99, 1-100, or 1-103 of the Connecticut General Statutes shall be deposited to the general fund, except as otherwise expressly provided for by statute or regulation.

(Adopted effective January 2, 2008)

#### **Sec. 1-92-32b. Failure to pay penalties or comply with orders**

Upon an order or final decision of the board that a civil penalty or forfeiture of money or resources shall be paid, the enforcement division of the Office of State Ethics shall notify the person against whom such order or decision has been issued in writing by certified mail return receipt requested, of the board's order or decision. Unless the order or decision otherwise directs, such notice shall include a statement to the effect that in the event of a failure to comply with such order or decision within thirty (30) days of the date of such notice, the Office of State Ethics may apply to the Superior Court for the judicial district of Hartford for the enforcement of its decision or order.

(Adopted effective January 2, 2008, amended June 24, 2009)

#### **Sec. 1-92-32c. Penalties not a bar to further action**

Unless the written stipulation, agreed settlement, order or decision expressly states otherwise, the imposition of a civil penalty or requirement of forfeiture by the Office of State Ethics against a person shall not preclude the Office from exercising its other powers and duties prescribed in the Connecticut General Statutes.

(Adopted effective January 2, 2008)

**Sec. 1-92-32d. Procedures for imposing lobbyist prohibition**

Pursuant to subsection (a) of Section 1-99 of the Connecticut General Statutes, the Citizen's Ethics Advisory Board may prohibit any person who intentionally violates any provision of Chapter 10, Part II of the Connecticut General Statutes, from engaging in the profession of lobbyist for a period of not more than two years as follows:

(a) No person shall be subjected to the prohibition except upon the concurring votes of two thirds of board members present and voting.

(b) The prohibition may be imposed: (1) by a stipulation and order, as authorized by Subsection (d) of Section 4-177 of the Connecticut General Statutes; (2) after a hearing conducted pursuant to Subsection (b) of Section 1-93, of the Connecticut General Statutes; or (3) after a finding of a criminal violation of Chapter 10, Part II of the Connecticut General Statutes, by a court of competent jurisdiction.

(c) In no case shall imposition of a prohibition on a person's right to engage in the profession of lobbyist deny that person the right, during the period of the prohibition, to represent itself, himself, herself or any other person in any matter as long as such representation does not make the person a lobbyist as defined by Subsection (1) of Section 1-91 of the Connecticut General Statutes.

(Adopted effective January 2, 2008)

**Article 4 - Miscellaneous Proceedings****Part 1 - Rule Making****Sec. 1-92-33. Rule-making functions**

Statutory authority to adopt, amend or repeal regulations is derived from the Acts creating the Office of State Ethics and Chapter 54 of the Connecticut General Statutes.

(Effective May 24, 1978, amended January 2, 2008)

**Sec. 1-92-34. Form of petition**

Any person may at any time petition the Citizen's Ethics Advisory Board to promulgate, amend, or repeal any regulation. The petition shall conform to the applicable rules hereinabove stated and shall set forth clearly and concisely the text of the proposed regulation, amendment, or repeal. Such petition shall also state the facts and arguments that favor the action it proposes by including such facts and arguments in the petition or in a brief annexed thereto. The petition shall be addressed to the Citizen's Ethics Advisory Board and sent by mail or delivered in person during normal business hours. The petition shall be signed by the petitioner and shall furnish the address of the petitioner and the name and address of petitioner's attorney, if applicable.

(Effective February 14, 1980, amended January 2, 2008)

**Sec. 1-92-35. Procedure after petition filed**

(a) **Decision on petition.** Upon receipt of the petition the Citizen's Ethics Advisory Board shall within thirty (30) days determine to deny the petition or to initiate regulation-making proceedings.

(b) **Procedure on denial.** If the Citizen's Ethics Advisory Board denies the petition, the Citizen's Ethics Advisory Board shall give the petitioner notice in writing, stating the reasons for the denial based upon the facts and arguments submitted with the petition by the petitioner and upon such additional facts and arguments as the Citizen's Ethics Advisory Board deems appropriate.

(Effective November 25, 1983, amended January 2, 2008)

**Sec. 1-92-36. Procedure for the issuance, amendment, or repeal of a regulation**

(a) Proceedings for the issuance, amendment, or repeal of a regulation may be commenced by the Citizen's Ethics Advisory Board on its own initiative or pursuant to a petition submitted by an interested person.

(b) Notice of the proposed issuance, amendment, or repeal of a regulation will appear in the Connecticut Law Journal prior to the intended action as required by subsection (a) of section 4-168 of the Connecticut General Statutes. The notice will contain:

- (1) A statement of the purpose of the proposed action.
- (2) A statement of the terms or substance of the intended action.
- (3) A statement of the time, place, and date of the public hearing or other opportunity for the presentation of views, and the manner in which said views may be presented.
- (4) Reference to the statutory authority under which the Citizen's Ethics Advisory Board is acting.

(c) The Citizen's Ethics Advisory Board shall give all interested persons notice of the time, date, and place of the public hearing or other opportunity for the presentation of views. The purpose is to afford an opportunity for all interested persons to participate in the proceedings through the submission of written or oral data, views, arguments, or suggestions and to inspect the fiscal note prepared to provide an estimate of the cost or of the revenue impact on the state and any municipality of the proposed regulation.

(d) After any revisions have been made, the proposed regulations will be forwarded to the Attorney General and to the Legislative Regulations Review Committee of the General Assembly for approval, as required under sections 4-169 and 4-170 of the Connecticut General Statutes.

(e) In lieu of the procedures in subsections (a) through (d) of this section, when the Citizen's Ethics Advisory Board finds that imminent peril to the public health, safety, or welfare so requires it may adopt emergency regulations, as provided in subsection (e) of Section 4-168 of the Connecticut General Statutes.

(Effective June 29, 1988, amended January 2, 2008)

**Part 2 - Advisory Opinions****Sec. 1-92-37. General rule**

These rules set forth the procedure to be followed by the Citizen's Ethics Advisory Board in the disposition of a request for an advisory opinion as the applicability of any provision of Chapter 10 of the Connecticut General Statutes or of any regulation or order of the Citizen's Ethics Advisory Board.

(Effective February 14, 1980, amended January 2, 2008)

**Sec. 1-92-38. Form of petition for advisory opinions**

Any person subject to Chapter 10, Connecticut General Statutes may at any time request an advisory opinion of the Citizen's Ethics Advisory Board with respect to the applicability of any statute, regulation or order enforced, administered or promulgated by the Citizen's Ethics Advisory Board. Such request shall be addressed to the Citizen's Ethics Advisory Board and sent by mail or delivered in person during normal business hours. The request shall be signed by the person on whose

behalf the inquiry is made. It shall give the address of the person requesting the advisory opinion. The request shall state clearly and concisely the substance and nature of the request; it shall identify the statute, regulation or order concerning which the request is made, and shall identify the particular aspect thereof to which the request is directed. The request for an advisory opinion shall be accompanied by a statement of any facts and arguments that support the position of the person making the inquiry.

(Effective February 14, 1980, amended January 2, 2008)

### **Sec. 1-92-39. Procedure after petition for advisory opinion filed**

(a) **Notice to persons.** The Citizen's Ethics Advisory Board may give notice to any person that such an advisory opinion has been requested and may receive and consider facts, arguments and opinions from persons other than the petitioner. In all cases, within thirty days the legal division of the Office of State Ethics acting on behalf of the Citizen's Ethics Advisory Board will give notice to the subject of the request, if the subject is not the petitioner (e.g., when a department head requests an advisory opinion regarding an employee of the department), and to any other person to whom notice is required by law. Additionally, whenever the subject of the request is a public official or state employee, the legal division of the Office of State Ethics acting on behalf of the Citizen's Ethics Advisory Board will, within thirty days, give notice of the petition to the official's or employee's department, agency, board, or commission.

(b) **Decision on petition, ruling granted.** If the Citizen's Ethics Advisory Board determines to render an advisory opinion, within sixty days it shall: (1) issue the opinion; (2) order the matter set for a hearing; or (3) agree to issue the opinion by a specified date.

(c) **Provision for hearing.** If the Citizen's Ethics Advisory Board deems a hearing necessary or helpful in determining any issue concerning the request for an advisory opinion, the Citizen's Ethics Advisory Board may schedule such hearing and give such notice thereof as is appropriate.

(d) **Decision on petition, ruling denied.** If the Citizen's Ethics Advisory Board determines that an advisory opinion will not be rendered, the Citizen's Ethics Advisory Board will within sixty days after the filing of the petition either state the reasons for its denial or initiate regulation-making proceedings on the subject. If the Citizen's Ethics Advisory Board fails to issue an advisory opinion within one hundred eighty days after the filing of the petition, or within such longer period as may be agreed to by the parties, the Citizen's Ethics Advisory Board will be deemed to have decided not to issue a ruling.

(e) A copy of all rulings issued and any actions taken under subsections (b) and (d) of this section shall be promptly delivered to the petitioner and other parties personally or by United States mail, certified or registered, postage prepaid, return receipt requested. Additionally, copies will be sent to the petitioner's attorney, if applicable, and to any other person who has filed with the Office of State Ethics a written request for a copy.

(f) Advisory opinions are "final decisions" of the Citizen's Ethics Advisory Board for purposes of section 1-87 and 1-98 of the Connecticut General Statutes. Reconsideration of the advisory opinion may be, but need not be, requested of the Citizen's Ethics Advisory Board prior to an appeal.

(Effective June 16, 1993, amended January 2, 2008)

### Part 3 - Declaratory Rulings

#### Sec. 1-92-39a. Requests for declaratory rulings

The Citizen's Ethics Advisory Board will accept a petition for a declaratory ruling as to the applicability of any statutory provision or of any regulation or order of the Citizen's Ethics Advisory Board as follows:

(a) The petition must be in writing and include the factual background of the issue. It shall be mailed to the Citizen's Ethics Advisory Board or delivered in person during normal business hours.

(b) It shall be signed by the petitioner and shall include his address for purpose of reply.

(c) A copy shall be sent by certified mail to any person who the petitioner has reason to believe may not otherwise have knowledge thereof and may fairly have an interest therein.

(d) The petition shall state clearly the question of applicability upon which it seeks a ruling.

(e) The petition shall state the position of the petitioner with respect to the question of applicability.

(f) If desired, it may include argument in support of the position of the petitioner, with such legal citations as are considered appropriate.

(Effective November 25, 1983, amended January 2, 2008)

#### Sec. 1-92-39b. Procedures after petition for declaratory ruling filed

(a) **Notice to persons.** The Citizen's Ethics Advisory Board may give notice to any person that such a declaratory ruling has been requested and may receive and consider facts, arguments, and opinions from persons other than the petitioner. In all cases, within thirty days the Citizen's Ethics Advisory Board will give notice to the subject of the request, if the subject is not the petitioner (e.g., when a member of the public requests a declaratory ruling regarding a state official), and to any other person to whom notice is required by law. Additionally, whenever the subject of the request is a public official or state employee, the Citizen's Ethics Advisory Board will, within thirty days, give notice of the petition to the official's or employee's department, agency, board, or commission.

(b) **Decision on petition, ruling granted.** If the Citizen's Ethics Advisory Board determines to render a declaratory ruling, within sixty days it shall: (1) issue the ruling; (2) order the matter set for a hearing; or (3) agree to issue the ruling by a specified date.

(c) **Provision for hearing.** If the Citizen's Ethics Advisory Board deems a hearing necessary or helpful in determining any issue concerning the request for a declaratory ruling, the Citizen's Ethics Advisory Board may schedule such hearing and give such notice thereof as is appropriate.

(d) **Decision on petition, ruling denied.** If the Citizen's Ethics Advisory Board determines not to render a declaratory ruling, within sixty days it will either state the reasons for its denial or initiate regulation-making proceedings on the subject. If the Citizen's Ethics Advisory Board fails to issue a declaratory ruling within one hundred eighty days after the filing of the petition, or within such longer period as may be agreed to by the parties, the Citizen's Ethics Advisory Board will be deemed to have decided not to issue a ruling.

(e) A copy of all rulings issued and any actions taken under subsections (b) and (d) of this section shall be promptly delivered to the petitioner and other parties personally or by United States mail, certified or registered, postage prepaid return

receipt requested. Additionally, copies will be sent to the petitioner's attorney, if applicable, and to any other person who has filed with the Citizen's Ethics Advisory Board a written request for a copy.

(f) Declaratory rulings are "final decisions" of the Citizen's Ethics Advisory Board for purposes of section 1-87 and section 1-98 of the Connecticut General Statutes. Reconsideration of the declaratory ruling may be, but need not be, requested of the Citizen's Ethics Advisory Board prior to an appeal.

(Effective June 16, 1993, amended January 2, 2008)

#### **Part 4 - Miscellaneous Provisions**

##### **Sec. 1-92-40. Subsection 1-84b (d) positions**

Pursuant to Subsection 1-84b(d) of the Connecticut General Statutes, after consultation with the agencies concerned, the positions listed below, which involve significant decision making or supervisory responsibility regarding the regulation or investigation of: (a) any business entity engaged in Indian gaming operations in the state; or (b) a governmental agency of an Indian tribe engaged in Indian gaming operations in the state, are designated as ones subject to the restrictions of subsection 1-84b(e) of the Connecticut General Statutes:

##### **Department of Consumer Protection, Gaming Division and Gaming Policy Board**

- Members of the Gaming Policy Board
- Consumer Protection Director of Gaming
- Consumer Protection Manager of Gaming Regulation
- Consumer Protection Manager of Gaming Enforcement and Assurance
- Consumer Protection Manager of Information Technology, Accounting and Gaming Auditing

- Special Revenue Assistant Unit Head (TS)

- Special Revenue Assistant Unit Head (Hearings)

- Special Revenue Assistant Unit Head (Gambling Regulation)

- Special Revenue Gambling Regulation Supervisor (Casino)

- Supervising Accounts Examiner (Casino)

- Accounting Manager

- License and Applications Supervisor (Casino)

- Application Review Committee Members

##### **The Department of Emergency Services and Public Protection**

- Commissioner

- Deputy Commissioner of State Police

- Lieutenant Colonel for Office of Field Operations

- Commanding Officer, Eastern District Headquarters

- Executive Officer, Eastern District Headquarters

- Commanding Officer, B.C.I.

- Commanding Officer, S.O.C.I.T.F.

- Commanding Officer, Casino Unit

- Sergeants assigned to Casino Unit or S.O.C.I.T.F.

(Adopted effective March 3, 1998, amended January 2, 2008, June 24, 2009, September 5, 2012)

##### **Sec. 1-92-40a. Subsection 1-84b (c) positions**

After consultation with the agencies concerned, the positions listed below, which involve significant decision-making or supervisory responsibility, are designated as

ones subject to the provisions of subsection (c) of section 1-84b of the Connecticut General Statutes. Exempt from the provisions of subsection (c) of section 1-84b of the Connecticut General Statutes are members or former members of a listed board, commission, or council who serve or served ex officio, who are or were required by statute to represent the regulated industry, or who are or were permitted by statute to have a present or past affiliation with the regulated industry.

### **Department of Public Health, Office of Health Care Access Division**

Deputy Commissioner of Public Health designated to oversee the Office of Health Care Access Division

### **The Department of Emergency Services and Public Protection**

Commissioner

Deputy Commissioner of State Police

Deputy Commissioner of Emergency Management and Homeland Security

Director, Office of Statewide Emergency Telecommunications

Director, Division of Scientific Services

Administrator, Police Officer Standards and Training Council

State Fire Administrator, Commission on Fire Prevention and Control

Lieutenant Colonel

Fiscal Administrative Manager 2

Human Resources Administrator 2

Legislative and Administrative Manager

State Police Major

### **Connecticut Siting Council**

Members appointed as designee by the Speaker of the House or the President Pro Tempore of the Senate or appointed by the Governor from the public, including ad hoc and substitute members

Executive Director

### **Banking Department**

Banking Commissioner

Deputy Banking Commissioner

Director of Financial Institutions

Director of Securities & Business Investments Division

Director of Consumer Credit Division

Director of Government Relations and Consumer Affairs

Banking Supervising Administrative Attorney

Fiscal Administrative Manager 1

### **Insurance Department**

Commissioner

Deputy Commissioner

Director of Consumer Services

Director of Property & Casualty Division

Director of Life & Health Division

Director of Legal Division

Director of Financial Regulation

Financial Regulation Program Managers  
Chief Actuary  
Licensing Program Manager  
Consumer Affairs Program Manager  
Market Conduct Program Manager  
Fraud Program Manager  
Legislative Program Manager  
Life and Health Program Manager  
Life and Health Actuary  
Property and Casualty Program Manager  
Property and Casualty Actuary  
Legislative and Administrative Manager  
Chief of Staff

**Department of Consumer Protection, Liquor Control Division**

Chairman  
Commissioners  
Director

**Public Utilities Regulatory Authority**

Chairperson  
Vice-Chairperson  
Director  
Director of Advocacy and Operations  
Public Utilities Chief of Utility Regulation (2)  
Procurement Manager

**Office of Consumer Counsel**

Consumer Counsel

**Department of Consumer Protection, Gaming Division and Gaming Policy Board**

Members of the Gaming Policy Board  
Consumer Protection Director of Gaming  
Consumer Protection Manager of Gaming Regulation  
Consumer Protection Manager of Gaming Enforcement and Assurance  
Consumer Protection Manager of Information Technology, Accounting and Gaming Auditing  
Special Revenue Assistant Unit Head (TS)  
Special Revenue Assistant Unit Head (Hearings)  
Special Revenue Assistant Unit Head (Gambling Regulation)  
Supervising Accounts Examiner  
Accounting Manager  
License and Applications Supervisor  
Application Review Committee Members  
Police Sergeant  
Fiscal Administrative Supervisor

(Effective January 26, 1990, amended July 30, 1999, January 2, 2008, June 24, 2009, September 5, 2012, September 5, 2012)

**Sec. 1-92-40b. Personal data, definitions**

When used in sections 1-92-40b to 1-92-40h, inclusive, the following terms shall have the meanings herein specified, unless the context otherwise indicates.

(a) "Agency" means each state or municipal board, commission, department or officer, other than the legislature, courts, governor, lieutenant governor, attorney general or town or regional boards of education, which maintains a personal data system.

(b) "Attorney" means an attorney at law empowered by a person to assert the confidentiality of or right of access to personal data under Chapter 55 of the Connecticut General Statutes.

(c) "Authorized representative" means a parent, or a guardian or conservator, other than an attorney, appointed to act on behalf of a person and empowered by such person to assert the confidentiality of or right of access to personal data under Chapter 55 of the Connecticut General Statutes.

(d) "Automated personal data system" means a personal data system in which data is stored, in whole or part, in a computer or in computer accessible files.

(e) "Board" means the Citizen's Ethics Advisory Board.

(f) "Case file" means that compilation of personal data, in either manual or automated form, relating to a specific Office of State Ethics evaluation, preliminary investigation, advisory opinion, declaratory ruling or court case.

(g) "Computer accessible files" means any personal data which is stored on-line or off-line, which can be identified by use of electronic means, including but not limited to microfilm and microfilm devices, which includes but is not limited to magnetic tape, magnetic film, magnetic disks, magnetic drums, internal memory utilized by any processing device, including computers or telecommunications control units, punched cards, optically scannable paper or film.

(h) "Employment record" means that compilation of personal data, in either manual or automated form, which relates to the qualifications of employment applicants.

(i) "Maintain" means collect, maintain, use or disseminate.

(j) "Manual personal data system" means a personal data system other than an automated personal data system.

(k) "Person" means an individual of any age concerning whom personal data is maintained in a personal data system, or a person's attorney or authorized representative.

(l) "Personal data" means any information about a person's education, finances, medical or emotional condition or history, employment or business history, family or personal relationships, reputation or character which because of name, identifying number, mark or description can be readily associated with a particular person. "Personal data" shall not be construed to make available to a person any record described in subdivision (3) of subsection (b) of section 1-210 of the Connecticut General Statutes.

(m) "Personal data system" means a collection of records containing personal data.

(n) "Personnel file" means that compilation of personal data, in either manual or automated form, relating to a Office of State Ethics employee's employment and personnel activities, including, but not limited to, his or her performance, evaluation and payroll and other employment-related recordkeeping which is necessary for the conduct of the agency's business and which is kept and maintained by the agency's business office.

(o) “Record” means any collection of personal data, defined in subsection (1), which is collected, maintained or disseminated.

(p) “Categories of personal data” means the classifications of personal information set forth in subdivision (9) of section 4-190 of the Connecticut General Statutes.

(q) “Other data” means any information which because of name, identifying number, mark or description can be readily associated with a particular person.

(Effective November 1, 1989, amended January 2, 2008)

**Sec. 1-92-40c. Categories of personal data in the Office of State Ethics’ personal data system**

The categories of personal data maintained by the Office of State Ethics consist of case files, employment records, personnel files, statements of financial interests, potential conflict of interests statements, and lobbyist filings. In addition, the Office of State Ethics maintains a general correspondence file which contains other data. Records of personal data are maintained on agency personnel and employment applicants. Case files may also contain personal data concerning parties, witnesses and other persons. Statements of financial interests are filed pursuant to sections 1-83 and 4b-4 of the Connecticut General Statutes. Potential conflict of interests statements are filed pursuant to section 1-86 of the Connecticut General Statutes. Lobbyist filings are made pursuant to Chapter 10, Part II of the Connecticut General Statutes.

(Effective November 1, 1989, amended January 2, 2008)

**Sec. 1-92-40d. General nature and purpose of personal data system**

(a) The Office of State Ethics has a single designated personal data system consisting of six parts and whose nature and purpose is to maintain accurate and current information regarding

(1) Office of State Ethics case files in fulfillment of its statutory duties under Chapters 10 and 54 of the Connecticut General Statutes;

(2) the qualifications of employment applicants;

(3) employees’ employment and personnel activities necessary for the conduct of the Office of State Ethics’ business;

(4) statements of financial interests of designated public officials and state employees filed pursuant to sections 1-83 and 4b-4 of the Connecticut General Statutes;

(5) potential conflict of interests statements of members of legislative bodies and state regulatory agencies filed pursuant to section 1-86 of the Connecticut General Statutes; and

(6) lobbyist registrations and reports filed pursuant to Chapter 10, Part II of the Connecticut General Statutes.

(b) The Office of State Ethics’ personal data system is both manual and automated and is located at the Office of State Ethics’ office and business office, 18-20 Trinity Street, Hartford, Connecticut 06106. The Office of State Ethics is responsible for maintaining the system and requests for disclosure or amendment of information should be made in care of the Executive Director of the Office of State Ethics. The Office of State Ethics’ routine sources of personal data are witnesses, parties, confidential records, public records, filings required by Chapter 10 of the Connecticut General Statutes, employment applications, personal resumes and Department of Administrative Services and State Comptroller forms.

(Effective November 1, 1989, amended January 2, 2008)

**Sec. 1-92-40e. Maintenance of personal data**

(a) The Office of State Ethics shall strive to collect and maintain all personal data with accuracy and completeness. Any personal data not relevant and necessary to accomplish the lawful purpose of the Office of State Ethics shall be disposed of in accordance with the Office of State Ethics' record retention schedule, or upon permission from the public records administrator to dispose of said records under section 11-8a of the Connecticut General Statutes.

(b) The Office of State Ethics shall, when practical and consistent with its needs and purpose, collect personal data directly from the person to whom a record pertains.

(c) All employees who function as custodians for the Office of State Ethics' personal data system, or are involved in the operation thereof, shall be given a copy of the provisions of the Personal Data Act; these regulations; and a copy of the Freedom of Information Act.

(d) All such Office of State Ethics employees shall take reasonable precautions to protect personal data under their control or custody from the danger of fire, theft, flood, natural disaster and other physical threats.

(e) The Office of State Ethics shall incorporate by reference the provisions of the Personal Data Act and these regulations in all contracts, agreements or licenses for the operation of a personal data system or for research, evaluation and reporting of personal data for the Office of State Ethics or on its behalf.

(f) When the Office of State Ethics requests personal data from any other state agency, it shall have an independent obligation to ensure that the personal data is properly maintained, unless otherwise provided by law.

(g) Access to the Office of State Ethics' personal data system is available to Office of State Ethics employees who require such information in the performance of their official and lawful duties and to such other persons who are entitled to access under law. The Office of State Ethics shall keep an up-to-date roster of Office of State Ethics employees entitled to access to the Office of State Ethics' personal data system.

(h) The Office of State Ethics will insure against unnecessary duplication of personal data records. In the event it is necessary to send personal data records through interdepartmental mail, such records will be sent in envelopes or boxes sealed and marked "confidential," where such records are required by law to be kept confidential.

(i) The Office of State Ethics shall insure that all records in its manual personal data system are kept under lock and key, and, to the greatest extent practical, are kept in controlled access areas.

(j) The Office of State Ethics shall, to the greatest extent practical, locate automated equipment and records in a limited access area.

(k) Where required by law, to the greatest extent practical, the Office of State Ethics shall require visitors to such area to sign a visitor's log and permit access to said area on a bona-fide need-to-enter basis only.

(l) The Office of State Ethics, to the greatest extent practical, will insure that regular access to automated equipment is limited to operations personnel and other authorized persons.

(m) The Office of State Ethics shall use appropriate access control mechanisms to prevent disclosure to unauthorized individuals of personal data required to be kept confidential by law.

(Effective November 1, 1989)

**Sec. 1-92-40f. Disclosure of personal data**

(a) Any individual may request from the Office of State Ethics whether it maintains personal data on that individual; the category and location of the personal data maintained on that individual and procedures available to review said information. The Office of State Ethics promptly shall mail or deliver to the requesting individual a written response in plain language.

(b) Except where prohibited by law, the Office of State Ethics shall disclose to any person upon request all personal data concerning that person which is maintained by the Office of State Ethics. Where required by law, such disclosure shall be conducted so as not to disclose any personal data concerning persons other than the individual requesting such information.

(c) Where required by law, Office of State Ethics personnel shall verify the identity of any person requesting access to his or her own personal data.

(d) The Office of State Ethics may refuse to disclose to a person medical, psychiatric or psychological data regarding that person if it is determined by the Office of State Ethics that such disclosure would be detrimental to the person, or if such non-disclosure is otherwise permitted or required by law. If the Office of State Ethics refuses to disclose medical, psychiatric or psychological data to a person, it must inform the person of his or her right to seek judicial relief pursuant to the Personal Data Act.

(e) If the Office of State Ethics refuses to disclose medical, psychiatric or psychological data to a person based on its determination that disclosure would be detrimental to that person and the nondisclosure is not mandated by law, the Office of State Ethics shall, at the written request of such person, permit a qualified medical doctor to review the personal data contained in the person's record to determine if the personal data should be disclosed. If nondisclosure is recommended by such person's medical doctor, the Office of State Ethics shall not disclose the personal data and shall inform such person of the judicial relief provided under the Personal Data Act.

(f) Where required by law, a record shall be maintained of each person, individual, agency or organization who has obtained access to or to whom disclosure has been made of personal data in accordance with subsection (c) of section 4-193 of the Connecticut General Statutes, together with a reason for each such disclosure or access. This log must be maintained for not less than five years from the date of such disclosure or access or for the life of the personal data record, whichever is longer.

(Effective November 1, 1989, amended January 2, 2008)

**Sec. 1-92-40g. Procedures for contesting content**

The following procedure shall be used in order to provide an opportunity to contest the accuracy, completeness or relevancy of personal data:

(a) Any individual may file a written request with the Office of State Ethics for correction of personal data pertaining to him or her.

(b) Within thirty days of receipt of such request, the Office of State Ethics shall notify such individual that it will make the correction, or if the correction is not to be made as submitted, the Office of State Ethics shall state the reason for its denial of such request and notify the person of his or her right to add his or her own statement to his or her employee personal data records.

(c) Following such denial by the Office of State Ethics, the individual requesting such correction shall be permitted to add a statement to his or her personal data record setting forth what that person believes to be an accurate, complete and

relevant version of the personal data in question. Such statements shall become a permanent part of the Office of State Ethics' personal data system and shall be disclosed to any individual, agency or organization to which the disputed personal data is disclosed.

(Effective November 1, 1989, amended January 2, 2008)

### **Sec. 1-92-40h. Uses to be made of the personal data**

(a) Case files are routinely used in the performance of the Office of State Ethics' statutory mandate to administer and enforce the Ethics Codes under Chapters 10 and 54 of the Connecticut General Statutes.

(b) Employment records are routinely used for evaluating the qualifications of employment applicants,

(c) Personnel files are routinely used for recording and evaluating the work performance of Office of State Ethics employees. Personnel files are used also for payroll and other employment-related recordkeeping, as required by the Department of Administrative Services, the Office of the Comptroller, the Office of Policy and Management and other legal authorities.

(d) Statements of financial interests are routinely used in the performance of the Office of State Ethics' statutory mandate to administer and enforce the Ethics Codes under Chapters 10 and 54 of the Connecticut General Statutes.

(e) Statements of potential conflict of interests are routinely used in the performance of the Office of State Ethics' statutory mandate to administer and enforce the Ethics Codes under Chapters 10 and 54 of the Connecticut General Statutes.

(f) Lobbyist filings are routinely used in the performance of the Office of State Ethics' statutory mandate to administer and enforce the Ethics Codes under Chapter 10 and 54 of the Connecticut General Statutes.

(g) Records contained in the Office of State Ethics' personal data system shall be retained for the period indicated for such records in the Office of State Ethics' retention and destruction of records schedule, as amended from time to time, approved by the state records administrator pursuant to section 11-8a of the Connecticut General Statutes.

(h) When an individual is asked by the Office of State Ethics to supply personal data, the Office of State Ethics, upon request, shall disclose to that individual:

(1) The name of the Office of State Ethics requesting the personal data;

(2) The legal authority under which the Office of State Ethics is empowered to collect and maintain the personal data;

(3) The individual's rights pertaining to such records under the Personal Data Act and Office of State Ethics regulations;

(4) The known consequences arising from supplying or refusing to supply the requested personal data;

(5) The proposed use to be made of the requested personal data.

(Effective November 1, 1989, amended January 2, 2008)

## **Article 5 - Procedures Concerning Lobbyists Pursuant to Chapter 10, Part II, Connecticut General Statutes**

### **Part 1 - Registration**

#### **Sec. 1-92-41. Definitions of lobbyist who must register**

The terms "lobbyist" and "registrant" apply to:

(1) the person who, within the terms of Subsection (1) of Section 1-91, does the communicating with any official or his staff in the legislative or executive branch

of government for the purpose of influencing any legislative or administrative action (hereinafter referred to as the “communicator lobbyist” or “communicator registrant”); as well as

(2) the client on behalf of whom the lobbying takes place and who is making expenditures in furtherance of lobbying within the terms of Subsection (1) of Section 1-91 of the Connecticut General Statutes (hereinafter referred to as the “client lobbyist” or “client registrant”).

Both of these persons, the communicator lobbyist and the client lobbyist, must register when the \$ 2,000 threshold provided for in Subsection (1) of Section 1-91 and Section 1-94 of the Connecticut General Statutes is met or exceeded, or can be expected to be met or exceeded during the calendar year.

(Effective June 16, 1993, amended March 3, 1998, January 2, 2008)

### **Sec. 1-92-42. Application of “lobbying” and “utility rate”**

The term “lobbying” as defined in subsection (k) of section 1-91 of the Connecticut General Statutes does not apply to routine requests for information made to executive agencies in individual matters or to routine filings of information with executive agencies in individual matters as required by law. “Utility rate” means the charges to the public made by a public service company or common carrier for commodities or services, provided the charges are regulated or fixed under the statutory authority contained in Title 16 of the Connecticut General Statutes.

(Effective April 23, 1981, amended January 2, 2008)

### **Sec. 1-92-42a. Exceptions to the requirement to register as an administrative lobbyist**

(a) In accordance with the provisions of subsection (k) of section 1-91 of the Connecticut General Statutes and consistent with legislative intent, the following categories of activity shall not require registration as an administrative lobbyist:

(1) Communications with executive agencies incident to the representation of a criminal defense client or a client in a juvenile matter; regardless of whether said communications are made by an attorney or another individual, e.g., a member of the clergy.

(2) Communications with executive or quasi-public agencies on behalf of a person affected by a court order or an action pending before a court; e.g., representation of an individual seeking assistance from the Department of Children and Families or the Department of Mental Health pursuant to a court decree.

(3) Communications with executive or quasi-public agencies in contested cases or other proceedings in which the rights, duties or privileges of a party are to be determined (i.e., proceedings, including but not restricted to rate-making, price fixing and licensing, in which the legal rights, duties or privileges of a party are required by statute to be determined by an agency after an opportunity for a hearing in which a hearing is in fact held). Included in this contested case exemption are: (A) representation during an agency investigation prior to the possible initiation of a contested case in which the imposition of criminal or civil penalties, monetary or otherwise, (e.g., Office of State Ethics on civil penalty or physician’s license revocation) are possible; (B) representation during an agency proceeding prior to the possible initiation of a contested case in which the award of damages or other benefits (e.g., workers’ compensation award or utility rate increase) are possible; and (c) representation during proceedings analogous to those set forth in subparagraphs (A) and (B) of this subdivision in which the legal rights, duties or privileges of a party are to be determined by an agency, without the right to an immediate

hearing, but involving facts or circumstances which could ultimately result in the initiation of a contested case.

(4) Communications with the enforcement division of the Office of State Ethics by, or on behalf of, a person who is the subject of an ethics investigation, evaluation, or complaint.

(b) Not exempt from the definition of “Lobbying,” however, are communications regarding contested cases, or other matters in which the rights, duties or privileges of a party are to be determined, made to persons outside the agency with official jurisdiction in the case or matter for the purpose of influencing the decision in such a case or matter; e.g., contact with the Governor’s Office or Office of Policy and Management regarding a contested case at an executive agency, whether such case is in fact pending or has yet to be initiated.

(c) Also not exempt from the definition of “Lobbying” are communications regarding an agency’s adoption of generic policies, analogous to rules or regulations, which affect the rights, duties or privileges of classes of persons.

(d) The exceptions enumerated in subsection (a) of this section shall apply regardless of whether the representation is pro se, provided by an attorney, or provided by another individual (e.g., an accountant) and regardless of whether the representative is registered, or may be required to register, as a lobbyist in another matter.

(e) The following activities shall not be included when determining whether a person is required to register as a client or communicator administrative lobbyist: (1) the preparation of submissions required by, or filed pursuant to, statute, regulation, or agency rule (e.g., the preparation of a rate increase submission, permit application or response to a request for contract proposals) or otherwise requested by the agency; (2) ordinary and customary communications made to the agency, or a related entity, including, but not limited to, communications made incident to the performance of a contract or implementation of a permit; and (3) contacts with an executive branch or quasi-public agency, whether formal or informal, for informational purposes, including, but not limited to, the application of that agency’s rules, regulations, or statutes to a specific fact situation, regardless of whether the contact is initiated by the private party or the agency (e.g., request by an individual for an advisory opinion or declaratory ruling from the Office of State Ethics; or request by an agency for product or client information from a regulated industry).

(Effective March 21, 1995, amended January 2, 2008)

### **Sec. 1-92-42b. Definitions of “representative of a vendor” and “salesperson”**

In implementing the statutory exceptions set forth in subsection (k) of section 1-91 of the Connecticut General Statutes, the terms “representative of a vendor” and “salesperson” shall be construed according to their ordinary and customary usage.

(Effective March 13, 1996, amended January 2, 2008)

### **Sec. 1-92-42c. Application of contingent fee prohibition**

(a) In accordance with subsection (b) of section 1-97 of the Connecticut General Statutes, no fee shall be paid or received for lobbying which is contingent upon the outcome of any matter added to the definition of “Administrative action” by Public Act No. 94-69, regardless of when the underlying employment agreement was entered into, if, as of January 1, 1995, said outcome remains, in any way, to be determined.

(b) The prohibition on contingent fee lobbying shall not, however, apply to a “representative of a vendor” or “salesperson” when said individuals are engaged in the exempt business activities encompassed by those terms.

(c) As used in paragraph (2) of subsection (k) of section 1-91 of the Connecticut General Statutes, “representative of a vendor” and “salesperson” shall mean any person who satisfies all of the following criteria:

(1) The person earns his or her living primarily by promoting the sale of the specific and identifiable products or services through direct contacts with potential purchasers;

(2) The person receives a significant portion of his or her compensation in the form of commission income- i.e. by payment of a percentage of the sales which such person has caused, promoted, influenced or induced;

(3) The person’s commission rate for governmental procurements in the State of Connecticut is not in excess by more than 10% percent of his or her commission rate with respect to comparable sales to other purchasers;

(4) The person is not otherwise required to file a statement or report pursuant to Part II of the Ethics Code by virtue of his or her engaging in lobbying activities; and

(5) If the person is an independent contractor, he or she has a written contract with a vendor for a definite term of not less than six months with the financial terms of such a contract included.

(Effective March 21, 1995, amended January 2, 2008, June 24, 2009)

### **Sec. 1-92-43. Compensation, reimbursement, or expenditures requiring registration**

All items required to be reported in financial reports by regulations sections 1-92-48 and 1-92-49 below are to be considered “expenditures,” “compensation,” or “reimbursement” for the purposes of subsection (d), (f), (r), (1) of section 1-91 and, subject to the exceptions of subsection (1) of section 1-91, for the purposes of determining who shall be registrants required to file registration statements under section 1-94 and 1-95 of the Connecticut General Statutes.

(Effective April 23, 1981; amended January 2, 2003)

### **Sec. 1-92-44. Expert witnesses**

“Expert witnesses” are individuals who appear before legislative committees or executive agencies to give testimony on subjects concerning which said individuals have specialized or technical expertise, beyond the ken of the average layman, obtained through knowledge, skill, experience, training, or education. The term “lobbyist” does not include an expert witness who provides legislative or administrative testimony where such testimony becomes part of the record of any legislative, regulatory, or administrative agency’s public proceeding: (1) which is conducted as an open public hearing for which notice is given pursuant to applicable law; and (2) of which a record is created in a manner which makes possible the creation of a transcript; and (3) with respect to which full public access is provided according to law, to such record or transcript and to all written material which becomes part of the record; and (4) prior to which a statement of intent to provide testimony as an expert witness, with a summary of his or her credentials in support thereof, shall have been filed with the Office of State Ethics. Payments to expert witnesses shall be reported in the financial report of client registrants in the same manner as other expenditures for lobbying activities are presently reported.

(Effective August 1, 1980, amended January 2, 2008)

### **Sec. 1-92-45. Client lobbyist must disclose firm of retained individual communicator lobbyist**

When the registrant is the client lobbyist, the registrant pursuant of Subdivision (4) of Subsection (a) of Section 1-95 of the Connecticut General Statutes must

indicate, on the registration form prescribed by the Office of State Ethics, the name of each individual who will lobby on the registrant's behalf, including any individual who has entered into a subcontracting agreement with another communicator lobbyist to lobby on the client's behalf, and, as part of the address of each individual, the name of any partnership, professional corporation, limited liability company, or corporation in which each individual who will lobby is a member, or by which the individual who will lobby is employed.

(Effective June 16, 1993, amended January 2, 2008)

**Sec. 1-92-46. Communicator lobbyist must register as individual, and disclose his firm as well as client**

When the registrant is the communicator lobbyist, the individual who will lobby on behalf of the client lobbyist shall register in his or her individual capacity. As part of his or her address, the individual registrant shall indicate the name of any partnership, professional corporation, limited liability company, or corporation in which the individual registrant is a member, or by which the individual registrant is employed. The "name, address and nature of business of any person who compensates or reimburses, or agrees to compensate or reimburse, the registrant" as that phrase is used in Subdivision (1) of Subsection (a) of Section 1-95 of the Connecticut General Statutes refers to the client lobbyist, regardless of whether the client lobbyist who is making expenditures in furtherance of lobbying makes payment directly to the individual registrant who is the communicator or to any partnership, professional corporation, or corporation in which the individual registrant is a member, or by which the individual registrant is employed. However, a business organization, other than the client registrant, to which one or more individuals belong may file a single registration form listing each individual who will lobby on behalf of the client. Additionally, in-house communicator lobbyists (i.e., employees of a single client registrant) shall register collectively with their employer on the employer's client registration form. Each such individual registrant must sign the single form under penalty of false statement. An individual who accepts work as a subcontractor from a communicator lobbyist must register separately from the communicator lobbyist. Pursuant to Subdivision (1) of Subsection (a) of Section 1-95 of the Connecticut General Statutes, at the time of registration the communicator registrant shall disclose the terms of compensation, reimbursement or agreement. Terms of compensation may be expressed generally as "pro rata value of compensation," only if the registrant is a salaried employee. Otherwise, the dollar amount of any fee or retainer should be disclosed at the time of registration. Terms of agreement shall disclose the categories of work to be performed in lobbying and in furtherance of lobbying by the communicator or business organization, e.g. lobbying, polling, advertising, etc. Said terms shall also include the dollar amount of any fee or retainer attributable to each relevant category.

(Effective June 16, 1993, amended January 2, 2008, June 24, 2009)

**Sec. 1-92-46a. Registrant must disclose persons contributing two thousand dollars or more**

(a) When the registrant is an association, group of persons or an organization, pursuant to Subdivision (3) of Subsection (a) of Section 1-95 of the Connecticut General Statutes, it shall disclose, on the registration form prescribed by the Office of State Ethics, the name and address of the principal officers and directors of such association, group of persons or organization.

(b) When the registrant is formed primarily for the purpose of lobbying, pursuant to Subdivision (3) of Subsection (a) of Section 1-95 of the Connecticut General Statutes, it shall disclose, on the registration form prescribed by the Office of State Ethics, the name and address of any person contributing two thousand dollars or more to the registrant's lobbying activities in any calendar year. Additional names and addresses must be reported as the threshold is met, either by amending the registration form as necessary, or by reporting the information in the fundamental terms section on the registrant's next financial report.

(c) For the purposes of this section, the following words and terms shall be construed as follows:

“Principal officers and directors” means each person who is directly or indirectly the beneficial owner of more than a 5% percent interest in the association, group of persons or organization. “Principal officers and directors” also includes:

(1) Any officer or director who is responsible for the supervision and management of the daily business operations of the registrant.

(2) The president; any vice president in charge of a principal business unit, division or function; the secretary; the treasurer; any principal financial officer, comptroller or principal accounting officer; and any other person performing a principal policy-making function, with respect to the registrant.

(3) Any person directing the registrant, or any person chosen to control, govern, or manage the affairs of the registrant.

(d) The word “primarily”, for purposes of Subdivision (3) of Subsection (a) of Section 1-95 of the Connecticut General Statutes, is construed according to its commonly understood meaning (i.e., chiefly, principally, or in the main.) For example, groups organized around a single issue or piece of legislation (e.g., abortion rights, income tax, Senate Bill No. 3000) would be considered “formed primarily for lobbying.” There shall be a presumption, when over half of a registrant's expenses are used for lobbying or in furtherance of lobbying in any six month period, that the registrant is formed primarily for the purposes of lobbying.

(Effective June 16, 1993, amended March 3, 1998, January 2, 2008, October 5, 2011)

### **Sec. 1-92-46b. Issues related to subcontractors**

(a) If a communicator lobbyist registrant subcontracts with or through another person (i.e., a subcontractor) to lobby on behalf of one of the communicator's clients, the subcontractor shall register as a communicator lobbyist with the Office of State Ethics if the subcontractor receives or agrees to receive compensation, reimbursement, or both, totaling \$2000 or more in any calendar year for administrative or legislative lobbying on behalf of such client, including actions in furtherance of lobbying.

(b) In addition to the requirements of Section 1-95 of the Connecticut General Statutes, the registration of a subcontractor shall include (1) the name of the business organization or individual communicator lobbyist registrant with, or through, whom the subcontract was entered; (2) the name, address, phone number, and email address of the individual at the business organization, if any, with whom the subcontractor has primary contact with regard to the subcontract; and (3) the fundamental terms of the subcontract.

(c) In addition to the requirements of Section 1-95 of the Connecticut General Statutes, the registration of any communicator lobbyist who hires any other communicator lobbyist pursuant to a subcontract shall include (1) the name of the business organization, if any, with whom the communicator lobbyist registrant is subcontracting; (2) the name, address, phone number, and email address of each individual

communicator who will be performing lobbying pursuant to the subcontract, even if the lobbying activities performed by the individual communicator do not, by themselves, exceed the \$2000 threshold in Subsection (l) of Section 1-91 or Section 1-94 of the Connecticut General Statutes; (3) the name, address, phone number, and email address of the person at the subcontracting business organization, if any, with whom the communicator has primary contact with regard to the subcontract; and (4) the fundamental terms of the subcontract.

(Adopted effective January 2, 2008, amended June 24, 2009)

### **Sec. 1-92-47. Registration fee**

The fee for filing a biennial registration commencing in an odd numbered calendar year is \$250.00. The fee for a one year registration commencing in an even numbered calendar year is \$125.00. The fee must be paid for each individual registrant even if registering with a business organization or client on a single form. This fee is not in excess of the cost of administering the filing, plus the cost of collecting, filing, copying and distributing the information submitted by registrants under Section 1-96 of the Connecticut General Statutes. An estimate of these costs is available upon request at the Office of State Ethics.

(Effective March 13, 1996, amended March 3, 1998, January 2, 2008, May 26, 2010)

### **Sec. 1-92-47a. Electronic payment of registration fee**

(a) Any person with an approved ETH-4A or 4B Form on file with the Office of State Ethics, as set forth in section 1-92-50b of these regulations, may pay required lobbyist registration fees electronically in conjunction with the electronic submission of registration forms.

(b) Said fee payment shall be made by usage of a valid credit or debit card from a list of such cards approved by The Office of the Treasurer.

(Effective March 13, 1996, amended March 3, 1998, January 2, 2008)

## **Part 2 - Financial Reports**

### **Sec. 1-92-48. Financial reports of clients and communicator lobbyists must disclose compensation for lobbying and expenditures for the benefit of a public official, etc.**

(a) The financial reports of all client and communicator registrants, including those who terminate their registrations during the calendar year, shall include the dollar amount, the payor or payee other than the registrant as the case may be, and the date(s) of the following payments:

(1) any fee, retainer or reimbursed expenses paid by a client registrant in furtherance of lobbying to a communicator registrant or other person who is not a member of or a regular employee of the client. Appearances as characterized by Subdivision (4) of Subsection (1) of Section 1-91 of the Connecticut General Statutes are considered "in furtherance of lobbying," for the purposes of this subsection, when made by a registrant.

(2) pursuant to Subsection (e) of Section 1-96 of the Connecticut General Statutes, the pro rata value of the time spent in furtherance of lobbying by a communicator registrant who is a member of or a regular employee of a client registrant; however, neither the total salary of the communicator registrant nor the fraction of that salary which lobbying represents need be disclosed.

The pro rata value of the time spent in furtherance of lobbying shall be calculated based upon the compensation of the member or regular employee including: (A) research time spent in preparation for communicating with an official or his staff

in the legislative or executive branch of government for the purpose of influencing any legislative or administrative action; (B) time spent in actually communicating with any official or his staff in the legislative or executive branch of government; and (C) any other time consumed in furtherance of lobbying for which the member or regular employee is compensated or reimbursed by the client. Appearances as characterized by Subdivision (4) of Subsection (1) of section 1-91 of the Connecticut General Statutes are “in furtherance of lobbying,” for purposes of this subsection, when made by a registrant.

(b) Pursuant to Subsections (a), (b), and (e) of Section 1-96 of the Connecticut General Statutes, the financial reports of all client registrants, communicator registrants who are not reimbursed by a client registrant, and communicator registrants for a municipality or any subdivision of a municipality, a branch of state government or any subdivision of state government, or a quasi-public agency, including those who have terminated their registrations during the calendar year, shall include a detailed statement of each expenditure, valued at ten dollars or more per person per occasion or transaction, made for the benefit of a public official or a member of a public official’s staff or immediate family, reporting in a separate block those personal expenditures for the benefit of a public official, his or her staff or family, unrelated to lobbying.

The itemized statement of each expenditure of ten dollars or more per person per occasion or transaction shall be provided whether the expenditure is made solely by the reporting registrant or by a group of registrants which includes the reporting registrant. However, the requirement of an itemized statement does not apply: (1) when the expenditure is for the benefit of the members of the General Assembly at a reception to which all such members are invited, or all members of a region of the state are invited unless the expenditure is thirty dollars or more per person invited; or (2) when a public official or state employee participates in his official capacity in a charitable or civic is thirty dollars or more per person per event. This detailed statement shall include the names, and public positions as applicable, of all reportable beneficiaries, the relationship of all reportable staff or immediate family to the appropriate public official, a description of the benefit conferred, the location of the event if applicable, the date of the occasion or transaction, the amount of the expenditure per beneficiary, and the date and amount of any reimbursement received from the beneficiary. In addition, whenever the occasion or transaction has been paid for by a group of registrants pursuant to Subsections (b) and (e) of Section 1-96 of the Connecticut General Statutes, the statement shall include the percentage of the expenditure paid by each registrant and the names of all the registrant payors. Under these circumstances, one registrant payor, authorized by the group of payors, shall make the required filing on behalf of the group. All registrant members of said group shall be legally responsible for the completeness and accuracy of this filing. In all instances where food or beverage or both is paid for by the registrant, the statement shall disclose by name whether the registrant, or a representative of the registrant, was in attendance at the event. Additionally, each registrant, including any registrant who has terminated registration during the calendar year, that pays or reimburses a public official or state employee ten dollars or more for “necessary expenses” as defined in Subsection (q) of Section 1-79 of the Connecticut General Statutes shall, within thirty days, file a report disclosing the name of such individual and the amount of the necessary expenses. The registrant shall disclose the payment of necessary expenses by utilizing the Office of State Ethics’ lobbyist necessary expense disclosure form, ETH-NX or by including the

required information on the applicable periodic lobbyist financial report (i.e., ETH-2B, 2C OR 2D). However, when a public official or state employee attends an event in this state as a principal speaker and receives admission or food or beverage from the sponsor or the event, no reporting by a lobbyist sponsor is required.

(c) In determining the value of an expenditure, both for the purpose of reporting expenditures for the benefit of a public official, etc. and of applying the gift restriction contained in Subsection (a) of Section 1-97 of the Connecticut General Statutes:

(1) the value of the expenditure equals the cost to the registrant if the item to be valued was obtained by the registrant in a marketplace transaction.

(2) When (1), above, is not applicable, the value of the expenditure equals the fair market value of the item as determined by its replacement cost: i.e., the cost of purchasing the same or a similar item in a marketplace transaction.

(3) When (1) and (2), above, are not applicable, the registrant may use any reasonable method to determine the value of the expenditure. In each such instance where the value of the expenditure is determined to be ten dollars or more per reportable beneficiary per occasion or transaction the registrant shall disclose the method used to calculate said value as part of the itemized statement required by subsections (a), (b) and (e) of Section 1-96 of the Connecticut General Statutes.

(4) When (1), (2), and (3), above, are not applicable, the value of the expenditure is indeterminable and the registrant may not confer the benefit in question on any state employee, public official, candidate for public office or a member of said individual's staff or immediate family, unless the value of the benefit is clearly negligible.

(5) In no instance shall the rental value of the registrant's home or office be required to be included in determining the value of the expenditure when the registrant uses the premises to host a reception or other gathering.

(6) When more than one individual is benefited incident to an occasion or transaction the registrant may calculate the per person value of the expenditure by either: (A) dividing the total expenditure by the number of individuals benefited; (B) dividing the total expenditure by the number of individuals expected at an event when the actual amount expended was based on an anticipated number of attendees one or more of whom did not attend the event in question; or (C) determining the actual benefit received by each individual.

(d) Pursuant to Section 1-79a, of the Connecticut General Statutes, for the purposes of calculating the dollar limits under the exceptions to the term "gift" under section 1-79 and section 1-91, any expenditure provided by a lobbyist who is an individual shall be deemed to have also been provided by the business organization which he owns or by which he is employed, and any expenditure provided by a business organization shall be deemed to have also been provided by all owners and employees of the business organization who are lobbyists.

(e) Additionally, any payments or expenditures, as defined in subsections (a) and (b) of this section, made incident to lobbying and prior to registration which were not previously reported to the Office of State Ethics, whether occurring in the year of registration or a previous calendar year, shall be disclosed in the first financial report due after registration. Also, the fundamental terms, including the dollar amount, of a contract, agreement, or promise to receive compensation or reimbursement, or to make expenditures, in furtherance of lobbying are to be disclosed in the first financial report due after the contract, agreement, or promise is made or amended, including the fundamental terms made by a communicator lobbyist who subcontracts lobbying work to another person. Said fundamental terms shall disclose

the categories of work to be performed under the contract in furtherance of lobbying, e.g., contract for lobbying services, polling, advertising, etc. Said terms shall also identify the dollar amount of any fee or retainer attributable to each relevant category. (Effective June 16, 1993, amended March 3, 1998, May 9, 2000, January 2, 2008)

**Sec. 1-92-49. Financial reports of client lobbyists must disclose other expenditures for lobbying**

(a) Financial reports of all client registrants, including those who terminate their registrations during the calendar year, shall also include the dollar amount and the type of expenditure for:

(1) Office expenses which are in furtherance of lobbying including:

(A) secretarial salaries or portions thereof, except that such salaries are excluded for any individual whose pro rata value of time spent in furtherance of lobbying is less than \$50 in any calendar year;

(B) printing, photocopying, data processing, and postage together costing \$50 or more in any calendar year, except that membership, shareholder, or employee newsletters as defined in Subsection (f) of Section 1-91 of the Connecticut General Statutes are excluded, and the term “members” as used in Subsection (f) of Section 1-91 means *bona fide* members;

(C) telephone usage costing \$50 or more in any calendar year;

(D) the monthly amount of rent for an office for any month during which the office is used primarily for lobbying.

(2) Any paid communications, costing \$50 or more in any calendar year, in print, radio, T.V. or other medium for the purpose of influencing any legislative or administrative action, provided that the paid communications refer to pending legislative or administrative action.

(3) Any solicitation or solicitations (other than those excluded in Subsection (1) of Section 1-91 of the Connecticut General Statutes) costing \$50 or more in the aggregate for any calendar year of other persons to communicate with a public official, the legislature or any executive agency for the purpose of influencing any legislative or administrative action.

(4) Any entertainment, costing \$50 or more in the aggregate in any calendar year, conducted in furtherance of lobbying. This total shall include:

(A) all expenditures for the benefit of a public official or a member of the public official’s staff or immediate family made incident to lobbying, whether the expenditure per person per occasion or transaction is above or below the threshold for detailed reporting pursuant to Subsection (e) of Section 1-96 of the Connecticut General Statutes, including expenditures below ten dollars per person per occasion or transaction;

(B) all other expenditures made incident to lobbying relative to an occasion or transaction described in subparagraph (A) of this subdivision (e.g., expenditures for a client registrant’s communicators, or other representatives or members, to attend a function incident to lobbying where a public official or a member of a public official’s staff or immediate family is benefitted).

(5) Other expenses which are in furtherance of lobbying, such as the pro rata value of the compensation (A) of individuals who lobby but who need not register because they do not meet the financial threshold for lobbying or they are excused by Subdivisions (4) or (7) of Subsection (1) of Section 1-91 of the Connecticut General Statutes, and (B) of individuals who do not lobby but carry on activities in furtherance of lobbying and whose compensation is not reported elsewhere in the financial report.

(b) Additionally, any expenditures, as defined in Subdivisions (1), (2), (3), (4), and (5) of Subsection (a) of this Section, made prior to registration which were not previously reported to the Office of State Ethics, whether occurring in the year of registration or a previous calendar year, shall be disclosed in the first financial report due after registration.

(Effective June 16, 1993, amended January 2, 2008)

**Sec. 1-92-50. When lobbyists influencing legislative or administrative action must file financial reports**

(a) Each client lobbyist registrant shall file with the Office of State Ethics, between the first and tenth day of April and July a financial report concerning lobbying activities during the previous calendar quarter. Each client lobbyist registrant shall also file with the Office of State Ethics, between the first and tenth day of January, a financial report concerning lobbying activities during the previous two calendar quarters. In addition, each client lobbyist registrant who attempts to influence legislative action shall file interim monthly reports concerning legislative lobbying activities for each month during which the General Assembly is in regular session for any period of time, to be received by the Office of State Ethics no later than the tenth day of the month following the month reported, except that no monthly report is required for any month in which the client lobbyist registrant neither expends nor enters into an agreement to expend one hundred dollars or more in furtherance of lobbying, regardless of whether lobbying activities are engaged in during the month. A client lobbyist registrant may include on one form all the reports due at a particular time: e.g., a client registered for both legislative and administrative action could put on one form the interim March legislative financial report and the legislative and administrative reports for the first calendar quarter, all due between April 1 and April 10. Client lobbyist registrants attempting to influence legislative or administrative action must file each quarterly and year-end financial report due under Section 1-96 of the General Statutes, and this subsection, notwithstanding the fact that no compensation, reimbursement, or expenditures might have been paid during a given period, so that reports are filed for all periods until an effective termination is filed under Subsection (c) of Section 1-95 of the General Statutes.

(b) Each individual communicator lobbyist registrant and each business organization communicator lobbyist registrant shall file with the Office of State Ethics between the first and tenth day of January a report or reports, signed under penalty of false statement, reporting the amounts of compensation and reimbursement received from each of his clients during the previous year. In addition, each individual communicator lobbyist registrant and each business organization registrant shall: (1) report the fundamental terms of contracts, agreements or promises to pay or receive compensation or reimbursement or to make expenditures in furtherance of lobbying, including categories of work to be performed and the dollar value or compensation rate of the contract, at the time of registration; (2) report, in accordance with the schedule set forth in subsection (a) of this section, any amendments to these fundamental terms, including any agreements to subcontract work; and (3) report, in accordance with the schedule of subsection (a) of this section, any expenditures for the benefit of a public official in the legislative or executive branch or a member of the staff or immediate family of such official, which are unreimbursed and required to be itemized. All such information shall be reported under penalty of false statement.

(c) A communicator lobbyist registrant must file a separate report for each client for which he or she was registered in the preceding calendar year. However, a

business organization (law firm, lobbyist partnership, etc.) other than the client registrant to which one or more communicator lobbyist registrants belong may file a single report for each client represented. This business organization report shall include the names of all the communicator lobbyist registrants filed for. The filing of reports as a business organization shall not affect the statutory rights and duties, under the code of ethics for lobbyists, chapter 10, part II of the General Statutes, of the communicator lobbyist registrants belonging to the organization.

(d) Those who are communicator lobbyists for a municipality or any subdivision of a municipality, a branch of state government or any subdivision of state government or a quasi-public agency shall file the reports described in subsection (b) of this section utilizing the client lobbyist reporting schedule.

(e) A notice of termination is effective on the date it is mailed or hand-delivered to the Office of State Ethics, or such later date as the registrant requests. Registrations not sooner terminated are automatically terminated at the end of each biennial period which has commenced in an odd numbered calendar year. Communicator lobbyist registrants terminating representation of a client must do so by letter mailed or hand-delivered to the Office of State Ethics. Client lobbyist registrants may terminate registration by checking off the appropriate box on their periodic reporting forms.

(f) Additionally, pursuant to Subsection (c) of Section 1-95 and Subsection (d) of Section 1-96 of the General Statutes, each client lobbyist registrant and each communicator lobbyist registrant for a municipality or any subdivision of a municipality, a branch of state government or any subdivision of state government or a quasi-public agency that terminates a registration during the calendar year shall file a financial report, between the first and tenth day of January of the next year, for the period from the day of termination through December thirty-first of the year of registration. Each other communicator lobbyist registrant who terminates a registration for a particular client during the calendar year shall file a report, as described in subsection (b) of this section, between the first and tenth day of January of the next year, for the previous year. These reports must be filed notwithstanding the fact that no compensation, reimbursement, or expenditures were paid or received during the year or during the termination period.

(Adopted effective June 24, 2009)

### **Sec. 1-92-50a. Financial reporting by former registrants**

(a) For the reporting purposes of Subsection (d) of Section 1-96 of the Connecticut General Statutes, “former registrant” refers to any client or communicator lobbyist whose registration has been terminated and has not yet been renewed in the subsequent calendar year.

(b) Each former registrant shall report any receipts or expenditures incident to previous lobbying which are received or expended in a calendar year subsequent to the year in which registered. All categories of receipts and expenditures required to be reported by registrants pursuant to Subsections (a), (b), and (c) of Section 1-92-48 and Subsection (a) of Section 1-92-49 of these Regulations shall be disclosed by former registrants. However, the detailed reporting of each expenditure, valued at ten dollars or more per person per occasion or transaction, made for the benefit of a public official or a member of a public official’s staff or immediate family, required by Subsection (b) of Section 1-92-48, shall be required only for such expenditures incurred in the calendar year subsequent to registration and within six months of termination, and only when the reporting former registrant has individually expended ten dollars or more per person in connection with the occasion or transaction.

(c) Any receipts or expenditures required to be disclosed pursuant to Subsection (b) of this Section shall be reported, on a former lobbyist financial report form, within thirty days of the receipt or expenditure. No report is required if: (1) there are no receipts or expenditures; or (2) the former registrant reregisters and is filing lobbyist financial reports disclosing the information required by subsection (b) of this section.

(Effective June 16, 1993, amended January 2, 2008)

### **Sec. 1-92-50b. Electronic filing of registrations and reports**

(a) Any registration required pursuant to Section 1-94 of the Connecticut General Statutes and any financial report required pursuant to Section 1-96 of the Connecticut General Statutes may be filed with the Office of State Ethics electronically, provided the filer, or the filer's authorized agent as the case may be, has previously submitted and had approved a Lobbyist Electronic Filing Authorization Form, as specified in subsection (b) of this section.

(b) The authorized agent for a "Business organization", as that term is defined in subsection (t) of Section 1-91 of the Connecticut General Statutes, shall complete Lobbyist Electronic Filing Authorization Form ETH-4A. The authorized agent for a client lobbyist shall complete the appropriate client portions of Lobbyist Electronic Filing Authorization Form ETH-4B. An in-house communicator lobbyist shall complete the appropriate communicator portions of Lobbyist Electronic Filing Authorization Form ETH-4B.

(c) A person with an approved ETH-4 Form on file with the Office of State Ethics will be deemed to have signed, under penalty of false statement, his, her, or its registration or financial report, as the case may be, when the person: enters their assigned password to access the Office of State Ethics' filing program; completes the authorized name/certification section of the form; and electronically submits the filing to the Office of State Ethics.

(Adopted effective May 9, 2000, amended January 2, 2008)

## **Part 3 - Miscellaneous**

### **Sec. 1-92-51. Gifts of goods and services to the state not prohibited**

Nothing in Subsection (a) of Section 1-97 of the Connecticut General Statutes, which prohibits gifts from lobbyists for the personal use or benefit of state employees, public officials and others, prohibits gifts of goods and services to a state agency or quasi-public agency, to the legislature, for use on state or quasi-public agency property, or that support an event, and which gifts facilitate the execution of state action or functions, pursuant to subdivision (5) of subsection (g) of section 1-91 of the Connecticut General Statutes. Nothing in chapter 10 of the Connecticut General Statutes shall prohibit the donation of the use of facilities to facilitate state agency or quasi-public agency action or functions or the donation of real property to a state agency or quasi-public agency.

(Effective February 14, 1980, amended March 3, 1998, January 2, 2008)

### **Sec. 1-92-52. Distinguishing badge**

The distinguishing badge to be worn as provided by section 1-101 of the Connecticut General Statutes is a plastic badge, approximately two inches by three inches in size. The colors of the badge shall be as prescribed by the Office of State Ethics and may be changed no more than once every two years. It will be issued to an individual lobbyist when he or she registers. Replacement badges may be purchased for \$1.

(Effective April 23, 1981, amended January 2, 2008, October 5, 2011)

## Part 4 – Definitions

### Sec. 1-92-53. Definition of major life event

The term “major life event”, for purposes of Subsection (e) of Section 1-79 and Subsection (g) of Section 1-91 of the Connecticut General Statutes, shall include: a ceremony commemorating an individual’s induction into religious adulthood such as a confirmation or bar mitzvah; a wedding; a funeral; the birth or adoption of a child; and retirement from public service or state employment. It shall not include any event which occurs on an annual basis such as an anniversary; except that personal gifts of up to twenty-five dollars per occasion, aggregating no more than fifty dollars per recipient in a calendar year, shall be permitted to a minor incident to a birthday or other traditional gift-giving occasion, e.g., Christmas or Chanukah.

Pursuant to Subsection (b) of Section 1-96 of the Connecticut General Statutes, a communicator lobbyist registrant need not disclose food and beverage provided to a public official in the legislative or executive branch or a member of his staff or immediate family at the registrant’s major life event, as defined by the Citizen’s Ethics Advisory Board. For example, a communicator lobbyist registrant need not report to the Office of State Ethics the cost of a meal provided to a public official at the communicator registrant’s own wedding reception.

(Effective June 16, 1993, amended March 3, 1998, January 2, 2008, June 24, 2009)

### Sec. 1-92-53a. Definition of dependent relative

As used in subsection (f) of section 1-79, subsection (h) of section 1-91, and section 1-101mm of the Connecticut General Statutes, “dependent relative” means any relative who:

(1) Is unmarried, under age 21, and living in the household of the reporting individual; or

(2) Is a dependent of the reporting individual within the meaning of section 152 of the Internal Revenue Code of 1986, as amended, 26 U.S.C. 152.

(Adopted effective June 24, 2009)

### Sec. 1-92-54. Definition of directly and personally received for purposes of gift valuation

(a) In determining the value of items exempt from the definition of gift, only items which are directly and personally received are to be considered. Directly and personally received means that the recipient accepted the opportunity to partake of or utilize the item. For example, if an individual attends a reception, the entire per person cost incurred by the donor to provide food and/or beverage must be attributed to the attendee, regardless of the amount actually consumed unless the attendee declines to partake of any of the food or beverage offered.

(b) In assessing the value of food and/or beverage provided at a reception or party, overhead costs such as in-house planning costs, invitations, rental fees, and decorations are not to be considered directly and personally received.

(c) In order to avoid attribution of the value of any item, whether solicited or unsolicited, the recipient must either return the item or reimburse the donor within thirty days. If a lobbyist financial report is due prior to thirty days and the recipient does not want to be reported, as required by Subsection (b) or subsection (e) of Section 1-96 of the Connecticut General Statutes, the reimbursement or return must be done prior to the filing of the next required financial report.

(Effective June 16, 1993, amended March 3, 1998, January 2, 2008)

## **Part 5 - Random Audit of Lobbyist Financial Reports**

### **Sec. 1-92-55. Records to be maintained**

(a) Each registrant may choose to keep records of all lobbying activity separate from records of the registrant's nonlobbying activity. No registrant shall be required to make any documents regarding unregulated activity available to the Office of State Ethics in connection with an audit conducted under Subsection (b) of Section 1-96a of the Connecticut General Statutes, except that if a registrant chooses to keep records which ordinarily and customarily integrate both regulated and unregulated activities, all such integrated records shall be made available for audit. However, in no case shall the Office of State Ethics or its staff intentionally divulge to any third party any material regarding unregulated activities revealed in connection with the audit.

(b) For purposes of substantiating financial reports concerning lobbying activities on and after October 1, 1991, each registrant shall obtain and preserve all documents which will provide in sufficient detail the necessary information from which the financial reports may be verified, explained, clarified and checked for accuracy and completeness. In the case of reportable expenditures unrelated to lobbying made by a registrant for the benefit of public officials, the registrant shall make available for inspection only the specific documentation necessary to verify the expenditure.

(c) The registrant shall keep the records available for audit, inspection and copying by the Office of State Ethics or its authorized representatives for three years from the date of filing of the report or of changes or corrections to the report.

(Effective June 16, 1993, amended January 2, 2008)

### **Sec. 1-92-56. Selection of registrants**

(a) The Citizen's Ethics Advisory Board shall select registrants to be audited by lot in periodic ceremonies which shall be open to the public. Prior notice of the date, time, and place of any such ceremony shall be emailed to all known registrants and, if the ceremony is to take place during the legislative session, such notice shall be published in the Legislative Bulletin or other similar publication disseminated to registrants. For the purposes of the selection process, each client registrant will be assigned a number. No more than forty numbers will be selected for audit in any one year and each number selected will result in an audit. Audits will be conducted in the order selected. Numbers for audit will be drawn by the Chairperson of the Citizen's Ethics Advisory Board or by his or her designee. When a client registrant's number is chosen for audit, the records of that client's communicator lobbyists, including all business organization, in-house or other individual lobbyists, kept in connection with that client will also be audited. Said communicator lobbyist(s)' records of personal expenditures for the benefit of public officials, or members of such officials' staffs or immediate families, will also be audited at that time.

(b) The records of each client registrant and the records of each communicator registrant kept in connection with that client shall be subject to audit no more than once every three years. A communicator registrant's records of personal expenditures for the benefit of public officials shall also be subject to audit no more than once every three years.

(Effective June 16, 1993, amended January 2, 2008, June 24, 2009)

### **Sec. 1-92-57. Scope of and procedure for audit**

The random audit shall be limited in time to the previous three calendar years, except that no records created prior to October 1, 1991 shall be reviewed in connection with an audit conducted under Subsection (b) of Section 1-96a of the Connecticut General Statutes. The purpose of a random audit is to determine whether information

reported to the Office of State Ethics is timely, accurate and complete. The random audit shall include: (1) a preliminary review of the registrant's reports filed within the three-year period prior to the date of selection for audit; (2) a preliminary conference with the registrant, including establishing where the audit is to take place and a tentative time frame for completion of the audit; (3) a detailed field examination of the registrant's financial records concerning lobbying activities; (4) independent verification of some or all of the information reported; (5) a post-audit conference with the registrant; (6) post-audit preparation of a report describing the results of the audit; (7) corrective action by the registrant, if necessary, and; (8) verification and review of the corrective action, if necessary.

(Effective June 16, 1993, amended January 2, 2008)

### **Sec. 1-92-58. Confidentiality of procedures**

While an audit review is being conducted under Subsection (b) of Section 1-96a of the Connecticut General Statutes neither the Office of State Ethics nor its staff shall disclose anything regarding the audit proceedings to any third party, except as is necessary to complete the audit.

(Effective June 16, 1993, amended January 2, 2008)

### **Sec. 1-92-59. Findings**

The auditor shall prepare an audit report and furnish a copy to the registrant at least one week before its submission to the Citizen's Ethics Advisory Board. If the registrant wishes, the final report submitted to the Citizen's Ethics Advisory Board shall include a statement by the registrant commenting on the results of the audit. The final report, which is public, shall indicate the audit findings, and may include: a summary of any material omissions or errors, a recommendation regarding the need for corrective action and a discussion of any corrective action taken by the registrant during the course of the audit. If corrective action is necessary, the enforcement division of the Office of State Ethics will indicate what action is required and will set a time frame for corrections to be made.

(Effective June 16, 1993, amended January 2, 2008)

### **Sec. 1-92-60. Procedures manual**

The Office of State Ethics shall promulgate a procedures manual setting out the standard procedures which will be used by the Office of State Ethics in conducting any audit under Subsection (b) of Section 1-96a. The manual shall include checklists to be used in connection with the preliminary review of reports, lists of possible errors and omissions, and answers to common questions which the registrant may have regarding the reporting requirements.

(Effective June 16, 1993, amended January 2, 2008)

### **Sec. 1-92-61. Office of State Ethics action as result of audit**

(a) The primary goal of any audit by the Office of State Ethics is to ensure compliance with the Ethics Codes. To that end, the Office of State Ethics will take no formal action, as the result of an audit, against a registrant for negligent failure to comply with the law, provided that the registrant takes the necessary corrective action. When a review of a registrant's records reveals an intentional or grossly negligent failure to comply with the law, however, or when the registrant fails to take the corrective action required as a result of the audit, the Office of State Ethics

may file a complaint pursuant to Section 1-93 of the general statutes. Any Office of State Ethics evaluation, investigation or complaint proceeding initiated as the result of an audit shall not be made a part of the final audit report, but shall instead remain confidential under Subsection (a) of Section 1-93 of the general statutes.

(b) Notwithstanding subsection (a) of this section, the fact that a registrant may be under audit shall not relieve the registrant from liability if a separate action is filed or pending against the registrant with respect to the registrant's conduct during the audit period.

(Effective June 16, 1993, amended January 2, 2008, June 24, 2009)