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**Identity Card Issued to Persons Who do not Possess
Motor Vehicle Operator Licenses**

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Identity Card Issued To Persons Who Do Not Possess Motor Vehicle Operator Licenses

Secs. 1-1h-1—1-1h-3—Repealed, August 27, 1992.

Sec. 1-1h-4. Requirements for issuance

The following requirements must be met as a prerequisite to the issuance of an identity card pursuant to section 1-1h of the General Statutes, as amended:

(a) The applicant must be a resident of Connecticut.

(b) The applicant shall make application on a form provided by the commissioner of motor vehicles, shall sign the application, and shall pay the fee provided in section 1-1h of the Connecticut General Statutes. Each applicant also shall be required to provide on the application his or her federal social security number or, if the applicant is not eligible to be assigned such number, to provide the appropriate non-eligibility statement issued by the United States Social Security Administration (Form SSA L676, or similar form). If a person is unable to sign the application because of a health problem or other bona fide reason, a person designated by the applicant may sign for the applicant.

(Effective August 27, 1992; amended August 31, 2006)

Sec. 1-1h-5. License suspension

A person whose operator's license is presently under suspension is eligible to make application for an identity card. The commissioner may require surrender of a previously issued identity card upon reinstatement of a person's operator's license.

(Effective August 27, 1992)

Sec. 1-1h-6. Duplicate identity cards

A person, whose identity card has been lost, stolen or destroyed, may file an application for a duplicate identity card including payment of the statutory fee. If the application for a duplicate identity card is filed within a four (4) year period from issuance of the previous identity card, the person must submit therewith an affidavit certifying, under penalty of false statement, that the previous identity card was lost, stolen or destroyed. If the previous identity card is subsequently recovered, it shall be returned to the commissioner of motor vehicles within seven (7) days thereafter.

(Effective August 27, 1992; amended August 31, 2006)

Sec. 1-1h-7. Content of identity card

(a) An identity card shall include a picture of the applicant; his or her height, sex and eye color; residence address, including zip code; and other information, as determined by the commissioner.

(b) A distinctive identity card shall be issued to an applicant less than twenty-one (21) years of age.

(c) An identity card shall contain a statement that it is issued subject to the same verification of the identity of the applicant as required for the issuance of a motor vehicle operator's license.

(Effective August 27, 1992; amended August 31, 2006)

Sec. 1-1h-8. Waiver of fee for homeless applicants

(a) As used in this section:

(1) "Commissioner" means the Commissioner of Motor Vehicles or his authorized representative.

(2) “Homeless applicant” means any individual who is a resident of a homeless shelter or other facility for homeless persons located in the State of Connecticut.

(3) “Homeless shelter” means any shelter to which operating funds are provided by the State of Connecticut Department of Social Services.

(4) “Other facility for homeless persons” means any non-profit group facility that is sponsored by a Connecticut municipality or community organization to provide shelter services.

(b) The commissioner may waive the fee for an identity card for any applicant who is a resident of a homeless shelter or other facility for homeless persons when the following conditions are met:

(1) The homeless applicant completes an application in accordance with section 1-1h of the Connecticut General Statutes.

(2) The homeless applicant provides satisfactory written evidence to the commissioner, signed and certified by an official of a homeless shelter or other facility for homeless persons, that such applicant is a resident of said shelter or facility. Satisfactory written evidence of the homeless applicant’s residence shall be provided on a form provided by the commissioner.

(c) When the commissioner agrees to waive the fee for an identity card for a homeless applicant, the address of the homeless shelter or other facility for homeless persons shall be listed on the identity card as the homeless applicant’s residence.

(d) In accordance with section 14-45(a) of the Connecticut General Statutes, a homeless applicant who has been issued an identity card by the commissioner shall notify him or her within forty-eight (48) hours of any change of the address listed on said identity card. The notification shall include the homeless applicant’s old address and new address.

(Adopted effective March 2, 2010)

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Payment for License Fees by Credit Card, Charge Card or Debit Card

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Payment for License Fees by Credit Card, Charge Card or Debit Card**Sec. 1-1j-1. Payment for license fees by credit card, charge card or debit card****(a) Definitions.**

(1) “Secretary” means the Secretary of the Office of Policy and Management; and

(2) “Transaction channel” means any method by which a state agency accepts an application for a license, issues a license, or receives payment in return for such license.

(b) Any state agency that desires to accept payment for license fees by means of a credit card, charge card or debit card shall make a written request to the secretary for authorization. An agency’s written request shall include, but is not limited to, the following supporting information:

(1) A list of all current and any proposed payment methods available to license applicants;

(2) Actual data related to the use of all current transaction channels (e.g., in person; by telephone, facsimile, mail; over the Internet) and estimated data related to the use of any proposed transaction channels during the first, second and third years;

(3) The projected number of payments by credit card, charge card and debit card during the first, second and third fiscal years;

(4) The projected dollar amount of any fees imposed by a credit card, charge card or debit card issuer or processor during the first, second and third fiscal years;

(5) If the agency proposes to charge license applicants a service fee for using a credit card, charge card or debit card, an explanation of the service fee’s necessity, an estimate of the service fee’s fiscal impact on license applicants, and a statement certifying that the service fee is:

(A) Related to the cost of service;

(B) Uniform for all credit cards, charge cards or debit cards accepted; and

(C) Allowed by the operating rules and regulations of the credit card, charge card or debit card issuer or processor involved or is authorized in writing by such issuer or processor;

(6) An explanation of any anticipated operational improvements, cost reductions or service enhancements resulting from the acceptance of credit card, charge card or debit card payments;

(7) A statement summarizing any anticipated contractual agreement between the agency and any credit card, charge card or debit card issuer or processor, including any such agreement administered by the Office of the State Treasurer; and

(8) If accepting payment by credit card, charge card or debit card requires the agency to amend any existing agency regulation, a copy of the proposed amendment.

(c) The secretary shall have sixty (60) calendar days to approve, in whole or in part, or disapprove, in whole or in part, an agency’s request. If the secretary disapproves, in whole or in part, an agency’s request, the agency may make a new or amended request to the secretary in accordance with this section. If the secretary does not take action on the agency’s request within the sixty (60) calendar days allowed, the request shall be deemed approved.

(d) During the sixty (60) calendar days allowed for action, the secretary shall forward an agency’s written request to the Department of Information Technology for review for technological sufficiency and to the Office of the State Treasurer for review for consistency with the state’s cash management policies.

(1) The Department of Information Technology or the Office of the State Treasurer or both may submit comments concerning an agency’s written request to the secretary not later than twenty-one (21) calendar days after receipt of the request.

(2) In the event the Department of Information Technology or the Office of the State Treasurer or both require additional information from the requesting agency, either or both shall notify the secretary in writing not later than seven (7) calendar days after receipt of the request.

(3) If the Department of Information Technology does not indicate otherwise within the twenty-one (21) calendar days allowed for review, the agency's request is deemed acceptable to the Department of Information Technology. If the Office of the State Treasurer does not indicate otherwise within the twenty-one (21) calendar days allowed for review, the agency's request is deemed acceptable to the Office of the State Treasurer.

(e) The secretary may disapprove an agency's request, in whole or in part, for any of the following reasons:

(1) The agency's request does not include all the supporting information required under subsection (b) of this section;

(2) The agency's request is deemed technologically insufficient by the Department of Information Technology;

(3) The agency's request is deemed inconsistent with the state's cash management practices by the Office of the State Treasurer;

(4) The projected dollar amount of the fees imposed by the credit, charge, or debit card issuer or processor is deemed to have a negative fiscal impact on the state by the secretary;

(5) The charging of a service fee, when proposed, is deemed to have a negative fiscal impact on license applicants by the secretary; or

(6) The acceptance of credit, charge, or debit card payments will not significantly improve operations, reduce costs, or enhance services within the requesting agency.

(f) In the event an agency wishes to make any change affecting its approved use of credit cards, charge cards or debit cards, such agency shall submit a written request to make such change to the secretary for authorization in accordance with this section.

(g) The secretary may require an agency to report annually on the impact of the acceptance of credit card, charge card or debit card payments for license fees on agency operations, costs, services or other related matters.

(Adopted effective September 27, 2001)

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Organization and Rules of Practice

I. DEFINITIONS

Sec. 1-21j-1. General definitions

(a) As used in section 1-21j-1 to section 1-21j-57, inclusive, of the regulations of Connecticut state agencies, the following words and phrases shall have the same definitions as those contained in chapter 54 of the general statutes, except where any such word or phrase is used in a context which clearly indicates the contrary: “agency,” “contested case,” “final decision,” “hearing officer,” “intervenor,” “license,” “licensing,” “party,” “person,” “presiding officer,” “proposed final decision,” “proposed regulation,” “regulation,” and “regulation-making.” If a conflict arises between any of the above definitions contained in chapter 54 and any definition of the same word or phrase contained in the Freedom of Information Act, as defined in subdivision (7) of subsection (b) of this section, the definition contained in the Freedom of Information Act shall prevail.

(b) In addition, as used in section 1-21j-1 to section 1-21j-57, inclusive, of the regulations of Connecticut state agencies, the following words and phrases shall have the following meanings, except where any such word or phrase is used in a context which clearly indicates the contrary:

(1) “Advisory opinion” means a “declaratory ruling” as used in chapter 54 of the general statutes. The term “advisory opinion” in any commission record shall refer to a “declaratory ruling,” as herein defined.

(2) “Commission” means the Freedom of Information Commission of the state of Connecticut.

(3) “Commissioner” means an individual appointed to serve as a member of the commission when acting in such capacity.

(4) “Complaint” means an appeal to the commission under section 1-21i of the general statutes.

(5) “Complainant” means a person who brings a complaint to the commission.

(6) “Executive director” means the commission’s executive director and general counsel.

(7) “Freedom of information act” means that portion of chapter 3 of the general statutes dealing with access to the records and meetings of public agencies, as defined in that chapter, and which establishes and empowers the Freedom of Information Commission.

(8) “Freedom of Information Commission” means the state agency established and empowered under sections 1-21i and 1-21j of the general statutes.

(9) “Hearing” means that portion of the commission’s proceedings in the disposition of matters delegated to its jurisdiction by law wherein an opportunity for the presentation of evidence and argument occurs. Any such hearing shall be a public hearing.

(10) “In camera inspection” means a review by the commission or a presiding officer of records received as evidence, or a proceeding during which such records are reviewed, in which unauthorized persons are not permitted to inspect, copy or otherwise learn of the contents of such records, except as provided in these regulations.

(11) “Managing director” means the commission’s managing director and associate general counsel.

(12) “Petitioner” or “applicant” means any person that has filed a petition or application respectively.

(13) "Respondent" means the person or agency against which a complaint is brought to the commission.

(Effective January 17, 1984; amended January 20, 1999)

II. DESCRIPTION OF ORGANIZATION

Sec. 1-21j-2. Description

The Freedom of Information Commission is empowered and described in sections 1-21i and 1-21j of the general statutes.

(Effective December 23, 1986; amended January 20, 1999)

Sec. 1-21j-3. Functions

The commission is generally empowered to exercise specified grants of authority for the administration of statutes that provide access to public records, public meetings, and other sources of public information, as set forth in the Freedom of Information Act.

(Effective December 23, 1986; amended January 20, 1999)

Sec. 1-21j-4. Official address and principal office

The official address and principal office of the commission shall be 18-20 Trinity Street, Hartford, Connecticut 06106. The commission shall provide notice in the Connecticut Law Journal if its official address or principal office is changed, in which case the official address or principal office published in such notice shall be deemed to be the commission's official address or principal office, as the case may be, until this regulation is amended. Unless otherwise provided, the principal office of the commission shall be open from 8:30 a.m. to 5:00 p.m. each weekday, except Saturdays, Sundays and legal holidays.

(Effective January 7, 1976; amended January 20, 1999)

Sec. 1-21j-5. Public information

The public may inspect the public records of the commission at its principal office in Hartford. There is no prescribed form for requests for information. Written requests should be submitted to the commission at its official address.

(Effective January 17, 1984; amended January 20, 1999)

Sec. 1-21j-6. Administration

(a) The commission shall designate an executive director and general counsel who shall be the chief executive, administrative and legal officer of the commission. The duly authorized and official documents of the commission of every description shall be signed on behalf of the commission by the chairman, executive director or such director's designee. The signature of the chairman, executive director or such director's designee shall be presumed to be duly authorized by the commission unless and until the contrary is demonstrated in any commission proceeding or hearing. The executive director shall keep and maintain in an accessible place all the public records of the commission.

(b) The executive director shall designate a managing director and associate general counsel, and such other staff personnel of the commission as from time to time the executive director deems necessary. The managing director is authorized to exercise the powers of the executive director in the absence or disability of the executive director.

(Effective January 17, 1984; amended January 20, 1999)

Sec. 1-21j-7. Clerk of the commission; acting clerks

(a) The executive director shall designate a clerk of the commission, and such acting clerks as may be necessary, who shall carry out such ministerial duties as the commission shall require to provide the assistance needed to conduct the commission's business pursuant to the directions of the executive director or his or her designee acting on behalf of the commission.

(b) The clerk and any acting clerk of the commission shall be empowered to sign and to certify as true and correct copies of records of the commission.

(c) Upon the direction of the executive director or his or her designee acting on behalf of the commission, the clerk or any acting clerk of the commission shall sign and issue in the name of the commission such orders to show cause, subpoenas, notices, and any other orders, findings, directions, forms, instructions and official acts of every description as shall be required for the performance of the duties of the commission under the law.

(Effective January 17, 1984; amended January 20, 1999)

Sec. 1-21j-8. Hearing officers

(a) The commission, by its executive director or his or her designee, may designate a member of the commission or any other person authorized by statute to be a hearing officer for the purpose of conducting any contested case or other proceeding the commission shall conduct under the freedom of information act.

(b) By such designation the hearing officer shall be empowered to exercise on behalf of the commission all of the authority to conduct a contested case, hearing, including reopening a hearing, investigation, or other proceeding delegated to the commission under the Freedom of Information Act and chapter 54 of the general statutes.

(1) The hearing officer shall convene and conduct all public hearings required by law within the scope of the commission's designation. No oral testimony or argument shall become a part of the record or form a basis for any finding of the hearing officer unless the hearing officer is present in the place where the hearing is being conducted and personally hears or receives the testimony and argument there offered.

(2) The hearing officer shall administer oaths, examine witnesses, receive oral and written evidence, rule on the admissibility of evidence, rule on the order in which the hearing is conducted and on all other aspects of the hearing on behalf of the commission. Upon conclusion of the hearing, the hearing officer shall submit a proposed final decision to the commission which proposed final decision shall contain the hearing officer's findings of fact, conclusions of law and recommended order.

(3) In the event the hearing officer finds it necessary to subpoena witnesses to compel their attendance or the production of any evidence for examination, the executive director or other commission counsel is authorized to order on behalf of the commission the issuance of such subpoena as is required for the purposes of the hearing, investigation or other proceeding. In the case of failure to comply with the subpoena or to testify with respect to any matter at the hearing, investigation or other proceeding, the hearing officer shall report to the commission the need to seek enforcement of the commission's authority under section 1-21j(d) of the general statutes. Upon the concurrence of a quorum of the commission, the executive director or the managing director shall be empowered to take such actions to enforce the subpoena or to compel testimony as may be provided by law.

(Effective January 20, 1999)

Sec. 1-21j-9. Assistance to commission or presiding officer

The executive director or his or her designee may assign a person to provide technical assistance to the commission or any presiding officer. The person so designated may act as legal and procedural advisor and may perform necessary clerical functions.

(Effective January 20, 1999)

Sec. 1-21j-10. Reserved

III. RULES OF PRACTICE

ARTICLE 1

GENERAL PROVISIONS

Part 1

Scope and Construction of Rules

Sec. 1-21j-11. Procedure governed

Sections 1-21j-1 to 1-21j-57, inclusive, of the regulations of Connecticut state agencies govern practice and procedure before the Freedom of Information Commission except where otherwise provided by law.

(Effective January 7, 1976; amended January 20, 1999)

Sec. 1-21j-12.

Repealed, January 20, 1999.

Sec. 1-21j-13. Waiver of regulations

Where good cause appears, the commission or any presiding officer may permit deviation from sections 1-21j-1 to 1-21j-57, inclusive, of the regulations of Connecticut state agencies, except where precluded by statute.

(Effective January 7, 1976; amended January 20, 1999)

Sec. 1-21j-14. Construction and amendment

Sections 1-21j-1 to 1-21j-57, inclusive, of the regulations of Connecticut state agencies shall be so construed by the commission and any presiding officer as to secure just, speedy and inexpensive determination of the issues presented hereunder.

(Effective January 17, 1984; amended January 20, 1999)

Sec. 1-21j-15. Computation of time

Computation of any period of time referred to in sections 1-21j-1 to 1-21j-57, inclusive, of the regulations of Connecticut state agencies begins by first counting the day after the day on which the precipitating event occurs, and ends on the last day of the period so computed. The last day of the period is to be included unless it is a day on which the principal office of the commission is closed, in which event the period shall run until the end of the next following business day. If the period of time, including the intervening Saturdays, Sundays and legal holidays, is five (5) days or less, such Saturdays, Sundays and legal holidays shall be excluded from the computation; otherwise such days shall be included in the computation.

(Effective January 7, 1976; amended January 20, 1999)

Sec. 1-21j-16. Extensions of time

Except as may hereinafter be provided, in the discretion of the commission or the presiding officer, for good cause shown any time limit prescribed or allowed

by sections 1-21j-1 to 1-21j-57, inclusive, of the regulations of Connecticut state agencies may be extended. All requests for extensions shall be made before the expiration of the period originally prescribed or as previously extended.

(Effective January 17, 1984; amended January 20, 1999)

Sec. 1-21j-17. Effect of filing, public records

The filing with the commission of any complaint, petition for declaratory ruling, or any other petition, application, motion or request shall not relieve any person of the obligation to comply with any statute, or with any regulation or order of the commission. Any complaint, petition, motion, application or request filed for the purpose of securing from the commission relief authorized by the freedom of information act shall be part of the public records of the commission.

(Effective December 23, 1986; amended January 20, 1999)

Sec. 1-21j-18. Consolidation of proceedings

The commission, presiding officer or the executive director or his or her designee may consolidate proceedings involving related questions of law or fact or involving the same parties.

(Effective January 7, 1976; amended January 20, 1999)

Sec. 1-21j-19. Rules of conduct

Commissioners and commission employees are subject to all applicable statutes, codes and regulations governing their conduct as state officials and employees.

(Effective January 17, 1984; amended January 20, 1999)

Sec. 1-21j-20. Ex parte communication

(a) Unless required for the disposition ex parte of matters authorized by law, no commissioner or hearing officer who, in a contested case, is to render a final decision or to make a proposed final decision shall communicate, directly or indirectly, in connection with any issue of fact with any person or party, or in connection with any issue of law, with any party or the party's representative, without notice and opportunity for all parties to participate.

(b) Notwithstanding the provisions of subsection (a) of this section, a commissioner, in conformity with the Freedom of Information Act, may communicate with other commissioners regarding a matter pending before the commission, and commissioners or a hearing officer may receive the aid and advice of employees or agents of the commission if those employees or agents have not received communications prohibited by subsection (a) of this section. In a contested case, this regulation shall not be construed to preclude such routine communications as are necessary to permit the commission staff, not assigned to render a decision or to make findings of fact and conclusions of law in a contested case, to investigate facts and to conduct the informal conferences that may be held pursuant to sections 1-21j-1 to 1-21j-57, inclusive, of the regulations of Connecticut state agencies at any time before, during and after the hearing thereof.

(c) Unless required for the disposition of ex parte matters authorized by law, no party or intervenor in a contested case, no other agency, and no person who has a direct or indirect interest in the outcome of the case, shall communicate, directly or indirectly, in connection with any issue in that case, with a hearing officer or commissioner, or with any employee or agent of the commission assigned to assist the hearing officer or commissioners in such case, without notice and opportunity for all parties to participate in the communication.

(d) The provisions of this section shall apply from the date the matter pending before the commission commences as a contested case, as set forth in section 1-21j-27 of the regulations of Connecticut state agencies, to and including the effective date of the final decision.

(Effective January 17, 1984; amended January 20, 1999)

Part 2

Formal Requirements

Sec. 1-21j-21.

Repealed, January 20, 1999.

Sec. 1-21j-22. Date and mode of filing

All papers and other recorded information governed by sections 1-21j-1 to 1-21j-57 of the regulations of Connecticut state agencies, shall be deemed to have been filed on the date they are recorded as having been received by the commission at its principal office. The commission shall accept papers and other recorded information transmitted by electronic mail or fax to the same extent permitted by the rules of the superior court in civil actions.

(Effective January 7, 1976; amended January 20, 1999)

Sec. 1-21j-23. Signatures

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

(Effective January 17, 1984; amended January 20, 1999)

Sec. 1-21j-24. Identification of communications to the commission

Communications shall 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 a proceeding pending before the commission, the title of the proceeding and the commission docket number shall be given.

(Effective January 7, 1976; amended January 20, 1999)

Sec. 1-21j-25. Number of documents to be filed in commission proceedings

Except as provided in the next sentence, each person submitting a document to the commission in a commission proceeding shall submit an original and two copies. In a contested case, after the issuance of the transmittal of proposed final decision, each person submitting a document shall submit an original and the number of copies thereof indicated in the transmittal of proposed final decision.

(Effective January 17, 1984; amended January 20, 1999)

Sec. 1-21j-26. Service

(a) **General rule.** Service of all documents filed in all proceedings shall be in the same manner as permitted by the superior court in civil actions.

(b) **On whom served.** Service of all documents in commission proceedings shall be served by the person filing the same on every party and intervenor in the proceeding and on all such additional persons as the commission or presiding officer shall direct.

(c) **Service by the commission.** A copy of any document served by the commission, showing the name and address of the person served, and the date, shall be placed in the commission's records and shall be prima facie evidence of such service and the date thereof.

(d) **Service of briefs, memoranda, exceptions or written argument.** Unless otherwise provided by these regulations, the commission or the presiding officer, all briefs, memoranda of law, exceptions or other written argument shall be served upon the commission on or before the Wednesday of the week immediately prior to the proceeding at which the subject matter of such documents is scheduled to be discussed or acted upon by the commission. For good cause shown, the commission or the presiding officer may extend the time for serving any of the aforesaid documents.

(Effective January 17, 1984; amended January 20, 1999)

ARTICLE 2

CONTESTED CASES

Part 1

Commencement, Complaint, Response, Parties, Intervention and Participation

Sec. 1-21j-27. Commencement of contested case

A contested case shall be deemed to have commenced on the date the complaint is recorded as having been docketed as a contested case by the commission.

(Effective January 7, 1976; amended January 20, 1999)

Sec. 1-21j-28. Form of complaint

All complaints shall be in writing and shall include the following components:

(a) The complainant's name, address, and telephone and fax numbers, if any.

(b) A concise statement of the relevant facts, including but not limited to the items that follow:

(1) The date of the alleged violation of the Freedom of Information Act.

(2) The name, title, address, and telephone and fax numbers, if known, of the public agency and any public agency official alleged to have denied the complainant a right conferred by the Freedom of Information Act.

(3) If the complaint concerns the denial of access to public records, a description of, or reference to, the requested records; if the complaint concerns the denial of access to a meeting of a public agency, the date of such meeting; and if a complaint seeks an expedited hearing under subsection (b) of section 1-21j-29 of the regulations of Connecticut state agencies, a brief statement setting forth the reasons why the hearing should be expedited pursuant to that section.

(4) A copy of any pertinent correspondence or other documents.

(5) An explanation of any unusual circumstances involved in the complaint, to which the commission shall be expected to direct its particular attention, including the existence of emergency conditions or any request for the granting of interlocutory relief by way of an interim order.

(Effective January 17, 1984; amended January 20, 1999)

Sec. 1-21j-29. Procedure in response to complaint

(a) The executive director or his or her designee shall order a hearing at a designated time and place for the purpose of conducting an investigation of the complaint as a contested case. The executive director or his or her designee may issue an order requiring the attendance of the complainant and all other parties at an informal conference at a designated time and place prior to the hearing. As a matter of policy, the commission shall strive to hear each contested case within thirty (30) days after the commencement of the contested case and to decide each

such case within sixty (60) days after the conclusion of the hearing therein, but in no event later than one (1) year after the filing of the complaint. The commission shall give notice of the hearing in the form and manner provided in section 1-21j-34 of the regulations of Connecticut state agencies. Such notice shall be sent to the public agency and public agency official against whom the complaint is asserted, together with a copy of the complaint. The notice shall advise all parties that the commission may provide the opportunity for an informal conference prior to the formal hearing.

(b) Except as provided in subsection (b) of section 1-21i of the general statutes, this section or section 1-21j-34a of the regulations of Connecticut state agencies, the executive director or his or her designee, to the extent possible, shall schedule each contested case for hearing in the order in which it is received. To the extent possible, the executive director or his or her designee shall accord priority in the assignment for hearing of any contested case for which there is a timely written request setting forth the reasons necessitating a hearing by a date certain after which available remedies would no longer be adequate. The executive director or his or her designee shall immediately review such request together with the complaint and any other associated materials. The executive director or his or her designee shall cause the complaint to be scheduled on a priority basis if he or she believes: (1) the materials reviewed demonstrate that the complaint requires expedited treatment because of an event or circumstance on a date certain after which date available remedies would no longer be adequate; and (2) the commission is able to render a final decision by that date. A decision not to grant a priority assignment for hearing may be appealed to the commission which shall consider the matter at its next regular meeting. A decision to grant priority assignment may be appealed to either the presiding officer, who shall consider the matter at the hearing, or to the commission, which shall consider the matter at its next regular meeting. Where such priority is granted, the executive director or his or her designee shall assign the case for hearing at the earliest possible date consistent with due process of law, but in no event later than thirty (30) days after commencement of the contested case. Where such priority is granted, the executive director or his or her designee also shall assign the case for final decision at the earliest possible date consistent with due process of law, but in no event later than sixty (60) days after the conclusion of the hearing therein.

(c) When the executive director or his or her designee does not schedule a complaint pursuant to subdivision (2) of subsection (b) of section 1-21i of the general statutes because he or she has reason to believe that a complaint: (1) presents a claim beyond the commission's jurisdiction; (2) would perpetrate an injustice; or (3) would constitute an abuse of the commission's administrative process; and the matter is referred to the commission for summary disposition, no oral argument shall be permitted.

(d) Upon the commencement of a contested case, the executive director or his or her designee may appoint an ombudsman for that case. The ombudsman shall attempt to settle the case in whole or in part; and if the case is not settled, to limit the issues of fact and law necessary to be determined at the hearing, and to encourage stipulations which would expedite the proceedings at the hearing. In furtherance of these duties, the ombudsman may communicate ex parte with the parties or their representatives and conduct informal conferences in person or otherwise. Neither the ombudsman nor any party in a contested case shall communicate the contents

of any communication made or received in the course of the ombudsman process without the express consent of all parties.

(Effective January 17, 1984; amended January 20, 1999)

Sec. 1-21j-30. Designation of parties

(a) In issuing the notice of hearing described in section 1-21j-34 of the regulations of Connecticut state agencies, the executive director or his or her designee shall designate as a party any person known to the commission whose legal rights, duties or privileges are required by statute to be determined by a commission proceeding and who is required by law to be a party in a commission proceeding, and any person whose participation as a party is then deemed to be necessary to the proper disposition of such proceeding. Subsequent to the issuance of the notice of hearing no other person before the commission shall have standing as a party, and no party having been designated as such shall be removed as a party, except upon the express order of the commission or the presiding officer.

(b) Subsequent to the issuance of the notice of hearing, the commission or the presiding officer shall grant a person status as a party in a contested case if the commission or the presiding officer finds that: (1) such person has submitted a written petition to the commission and served copies on all parties, at least five (5) days before the date of hearing; and (2) the petition states facts that demonstrate that the petitioner's legal rights, duties or privileges shall be specifically affected by the commission's decision in the contested case. The five-day requirement in this subsection may be waived at any time before or after commencement of the hearing by the commission or the presiding officer on a showing of good cause.

(c) The commission or the presiding officer may remove as a party any person whose rights, duties or privileges are determined not to be at issue in the contested case.

(d) The conferring of party status by the commission or the presiding officer shall not be deemed to be an admission by the commission that such party may be aggrieved by any decision, order or ruling of the commission.

(Effective January 17, 1984; amended January 20, 1999)

Sec. 1-21j-31. Intervenors

(a) The commission or the presiding officer may grant any person status as an intervenor in a contested case if the commission or the presiding officer finds that: (1) such person has submitted a written petition to the commission and served copies on all parties and intervenors, at least five (5) days before the date of hearing; and (2) the petition states facts that demonstrate that the petitioner's participation is in the interests of justice and shall not impair the orderly conduct of the proceeding. The five-day requirement in this subsection may be waived at any time before or after commencement of the hearing by the commission or the presiding officer on a showing of good cause. The commission or presiding officer may define an intervenor's participation in the manner set forth in subsection (d) of section 4-177a of the general statutes.

(b) The conferring of intervenor status by the commission or the presiding officer shall not be deemed to be an admission by the commission that such intervenor may be aggrieved by any decision, order or ruling of the commission.

(Effective January 7, 1976; amended January 20, 1999)

Sec. 1-21j-32. Representation of parties and intervenors

Each person authorized to participate in a contested case as a party or as an intervenor shall file a written notice of appearance with the clerk. Such appearance

may be filed on behalf of parties and intervenors 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 presiding officer.

(Effective December 23, 1986; amended January 20, 1999)

Part 2

Hearings

Sec. 1-21j-33. Place of hearings

Unless otherwise provided by the commission or the presiding officer, all hearings of the commission shall be held at Hartford at the principal office of the commission.

(Effective January 17, 1984; amended January 20, 1999)

Sec. 1-21j-34. Notice of hearings

(a) **Persons notified.** Except when the commission or the presiding officer shall otherwise direct, the commission shall give written notice of a hearing in any pending matter to all parties, to all persons who have been permitted to participate as intervenors, to all persons otherwise required by statute to be notified, and to such other persons as have filed with the commission their written request for notice of hearing in a particular matter. Written notice shall be given to such additional persons as the commission shall direct. The commission or the presiding officer may give such public notice of the hearing as the commission or the presiding officer, as the case may be, shall deem appropriate within the provisions of the Freedom of Information Act.

(b) **Contents of notice.** Notice of a hearing shall include, but shall 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; (3) a reference to the particular sections of the statutes and regulations involved; and (4) a short and plain statement of the matters asserted or, in lieu thereof, a copy of the complaint.

(Effective January 17, 1984; amended January 20, 1999)

Sec. 1-21j-34a. Continuances or postponements of hearings

(a) Prior to the issuance of the order and notice of hearing set forth in sections 1-21j-29 and 1-21j-34 of the regulations of Connecticut state agencies, any party to a contested case may request in writing that such case be heard at a designated time and date. The executive director or his or her designee shall give due consideration to such request subject to the requirements set forth in section 1-21i(b) of the general statutes and the convenience of the commission or presiding officer.

(b) After the order and notice of hearing set forth in sections 1-21j-29 and 1-21j-34 of the regulations of Connecticut state agencies have been issued, no request for continuance or postponement of hearing shall be granted or permitted unless such request: (1) is in writing signed by each party to the contested case, or by each such party's attorney, agent or other duly authorized representative; and (2) states as the reason for the continuance or postponement that the parties are in the process of negotiating a settlement or other resolution of the case and that a continuance or postponement of the hearing is necessary to facilitate the successful completion of such settlement or resolution.

(Effective January 17, 1984; amended January 20, 1999)

Sec. 1-21j-35. General provisions

(a) **Purpose of hearing.** The purpose of any hearing the commission conducts under chapter 54 of the general statutes shall be to provide to all parties an opportunity to present evidence and argument on all issues to be considered by the commission.

(b) **Order of presentation.** In hearings on complaints, applications and petitions, the party that shall open and close the presentation of any part of the matter shall be the complainant, applicant or petitioner, unless otherwise provided by the commission or the presiding officer for good cause shown.

(c) **Limiting number of witnesses.** To avoid unnecessary cumulative evidence, the commission or the presiding officer may limit the number of witnesses or the time for testimony upon a particular issue in the course of any hearing.

(d) **Written testimony.** The commission may by order of the presiding officer permit any party to offer testimony in written form. Such written testimony shall be received in evidence with the same force and effect as though it were stated orally by the witness who has given the evidence, provided that each such witness shall be present at the hearing at which testimony is offered, shall adopt the written testimony under oath, and shall be made available for cross examination as directed by the presiding officer. Prior to its admission such written testimony shall be subject to objections by parties.

(Effective May 28, 1991; amended January 20, 1999)

Sec. 1-21j-36. Witnesses, subpoenas, and production of records

(a) The commission, or any commissioner or presiding officer authorized by the commission to conduct any inquiry, investigation or hearing, shall have power to administer oaths and take testimony under oath relative to the matter of inquiry or investigation.

(b) At any hearing, the commission or the presiding officer may subpoena witnesses and require the production of records, documents and other evidence pertinent to such inquiry. Any party may request that such process be issued. The request shall be in writing and contain the following: the name and address of each person upon whom such process is to be served; an adequate description of any records, documents and evidence sought to be produced; and a short explanation of the testimony or evidence to be offered at the hearing and its materiality to the subject thereof. It shall be the sole responsibility of the party requesting such process to cause it to be served in accordance with law.

(c) If any person disobeys such process or, having appeared in obedience thereto, refuses to answer any pertinent question put to him by the commission or by the presiding officer or to produce any records, documents or evidence pursuant thereto, the commission may apply to the superior court for the Judicial District of Hartford-New Britain for an order requiring such person to comply with such subpoena or to testify as provided by section 1-21j of the general statutes.

(Effective December 23, 1986; amended January 20, 1999)

Sec. 1-21j-37. Rules of evidence

The following rules of evidence shall be followed with respect to the admission of evidence in all hearings held under the Freedom of Information Act and chapter 54 of the general statutes:

(a) **General.** Any oral, documentary or other evidence may be received; but the presiding officer shall, as a matter of policy, exclude irrelevant, immaterial or unduly repetitious evidence. The commission or presiding officer shall give effect to the rules of privilege recognized by law in Connecticut where appropriate to the conduct

of the hearing. Subject to these requirements and subject to the right of any party to cross examine, any testimony may be received in written form as herein provided.

(b) **Documentary evidence, copies.** Documentary evidence may be received at the discretion of the commission or presiding officer 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, within the provisions of section 52-180 of the general statutes.

(c) **Cross examination.** Cross examination may be conducted as the presiding officer shall find to be required for a full and true disclosure of the facts.

(d) **Facts noticed, scope and procedure, commission records.** The commission may take administrative notice of judicially cognizable facts, including generally recognized technical or scientific facts within the commission's specialized knowledge and the records, decisions and orders in other commission cases. 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, proposed final decisions or otherwise of the material noticed. The commission shall nevertheless employ the commission's experience, technical competence, and specialized knowledge in evaluating the evidence presented at the hearing for the purpose of making its finding of facts and arriving at a final decision.

(e) Any testimony or exhibit admitted in evidence in another commission case may be offered as evidence in a subsequent hearing and admitted as an exhibit therein.

(f) **In camera inspection.** The procedure for an in camera inspection of records shall be as follows:

(1) Any party or intervenor may request an in camera inspection of the records claimed to be exempt from disclosure in a contested case; and the presiding officer or the commission may order such an inspection on request, on such presiding officer's or the commission's own initiative, or on remand by a court.

(2) If an in camera inspection is ordered, the party having custody of the records claimed to be exempt from disclosure shall be required to submit a copy of the records together with an in camera inspection index referencing each record, and each item within each record, claimed to be exempt from disclosure. All parties shall be informed of their rights and obligations under these procedures.

(3) In each case in which an in camera inspection is ordered, the presiding officer, a commissioner or an authorized staff member, shall verify that each record submitted for such inspection has been identified by the party having custody of the record by reference to an individual reference number or numbers prescribed by the commission and included in an accompanying in camera inspection index.

(4) In each case in which an in camera inspection is ordered, an in camera inspection index shall be prepared in triplicate by the party having custody of the records submitted for such inspection on forms which shall be provided or approved by the commission. One part of the form shall be given to the party submitting the records as a receipt, indicating the records and date received and the name of the person authorized to receive and sign for such records on behalf of the commission. The receipt shall also certify that neither the records received for in camera inspection, nor their contents, shall be disclosed to any unauthorized person, except as provided by commission or court order and as provided below. The second part of the form shall be retained by the commission and kept for both inventory and decision-making purposes as part of the secure file in which the subject records themselves are kept. The third part of the form shall be retained by the commission

as a public record and kept as part of the public file of the contested case. A copy of the completed index form shall be given to all other parties to the proceedings.

(5) It shall be the responsibility of the party submitting records for in camera inspection to certify that the copies of the records so submitted are true copies of the records at issue in the contested case. It shall also be the responsibility of such party to make available for examination and cross-examination at a commission hearing on the matter the official who issued the certification.

(6) After receiving records submitted for in camera inspection, the authorized person who signed the receipt for them on the index on behalf of the commission shall personally deliver the records for storage in a secure commission file.

(7) Ordinarily only commissioners, the presiding officer, the executive director, the managing director and staff counsel are authorized access to inspect records submitted for in camera inspection. In any particular case, however, the presiding officer or the commission may authorize greater or lesser access to such records and the executive director and managing director may authorize greater or lesser access by commission personnel to such records. All persons having access to the records submitted for in camera inspection shall be identified on the related in camera inspection index.

(8) The copying of records submitted to the commission for in camera inspection shall not be permitted. Likewise, no person authorized access to such records may take any notes making reference to specific information contained in such records and claimed to be exempt from disclosure. References to specific records submitted for in camera inspection, or the contents of such records, in proposed final decisions or final decisions shall be by the assigned reference numbers as endorsed on the records themselves or by reference to generic descriptions or characterizations as set forth in the related in camera inspection index or in other public records.

(9) At commission meetings open to the public, all mention of the specific contents of records submitted for in camera inspection shall be avoided. Mention of specific records submitted for in camera inspection, however, may be made by use of the assigned reference numbers as endorsed on the records themselves or by reference to generic descriptions or characterizations as set forth in the related in camera inspection index or in other public records.

(10) If it proves necessary for the commission to discuss the specific contents of records submitted for in camera inspection at one of its meetings, it shall first convene in executive session, as provided by law. Only commissioners and persons authorized access to the subject records and invited by the commission to present testimony or opinion shall attend the executive session, as provided by law.

(11) Unless a court appeal is filed in a particular contested case, the commission shall disclose on request those records in its possession submitted for in camera inspection and ordered disclosed by the commission in that case (A) after the expiration of forty-five (45) days from the mailing of the notice of final decision, or (B) if a request for reconsideration is received by the commission within such 45-day period, after the expiration of forty-five (45) days from the mailing of the notice denying that request or after the expiration of forty-five (45) days from the mailing of the notice of the final decision issued after reconsideration has been granted, as the case may be. If no court appeal is filed, the records submitted for in camera inspection and ordered disclosed shall be transferred from their secure file to the commission's corresponding public file after the expiration of the applicable time period.

(12) Unless a court appeal is filed, after issuing its final decision in a particular contested case, the commission shall notify the party that submitted records for in

camera inspection in writing that it may make appropriate arrangements with the commission staff to take possession of such records after the expiration of the operative time periods set forth in subdivision (11) of this subsection. The party taking possession shall be required to sign a receipt for the records returned. If no arrangements are made for the return of such records, the commission shall cause the records to be destroyed any time after the expiration of the time periods for the retention of contested case evidence in the commission's current schedule for the retention and destruction of records, as approved by the state public records administrator.

(13) If a court appeal is filed in a particular contested case, the commission shall notify in writing all known parties to the appeal that, as part of the commission's record to be delivered to the court, the commission intends to deliver the records submitted for in camera inspection. The notice shall also advise the parties that the commission shall not move the court to seal such records, but that other parties may do so if they desire; and that any party seeking to seal the records should notify the commission of its intent to do so before the date by which the commission must certify the record of its proceedings into court. If notified that a motion to seal shall be made, the commission shall not transfer such records until the court makes its determination on the motion.

(14) Records submitted for in camera inspection which form part of a commission record on appeal shall, until delivered to the reviewing court, continue to be kept in their secure file and separately from the remainder of the record on appeal. When the record on appeal is to be delivered to court, a person authorized access to such records on behalf of the commission shall personally deliver such records to the clerk of the applicable court. If the court has ordered such records sealed, such authorized person shall so notify the clerk on delivery.

(15) Records submitted for in camera inspection, returned to the commission by a court and which records were held by the court to be exempt from disclosure shall be returned to their secure file immediately by a person authorized access to such records on behalf of the commission. Any records submitted for in camera inspection, returned to the commission by a court and held by the court to be disclosable shall be placed in the commission's public files. In either case, the commission shall notify the party that submitted such records for in camera inspection in writing that such party may make appropriate arrangements with the commission staff to take possession of those records or they shall be destroyed as provided in subdivision (12) of this subsection.

(Effective January 17, 1984; amended January 20, 1999)

Sec. 1-21j-38. Filing of added exhibits and testimony

After the close of evidence at the hearing, and before the submission of any proposed final decision by the presiding officer to the commission, the presiding officer may permit any party or intervenor to file added exhibits or written testimony, subject to the provision of such comment, reply and contest as due process shall require.

(Effective January 17, 1984; amended January 20, 1999)

Part 3

Decision in a Contested Case

Sec. 1-21j-39. Uncontested disposition of complaint, application or petition

Unless precluded by law, where any matter is uncontested, a complaint, application or petition may be resolved by stipulation, agreed settlement, consent order, dis-

missal, administrative withdrawal without hearing or default. Upon such disposition a copy of the commission's action shall be served on each party.

(Effective January 17, 1984; amended January 20, 1999)

Sec. 1-21j-40. Proposed final decision in a contested case

(a) The commission shall proceed in the following manner in contested cases where a majority of the commission has not heard the case or read the record. A final decision shall not be adopted by the commission until a proposed final decision is served upon all of the parties, and until an opportunity has been afforded to each party adversely affected by the proposed final decision to file exceptions, to present briefs, and to make oral argument before the commission at a commission meeting. Compliance with this requirement concerning the proposed final decision may be waived by a written stipulation of the parties.

(b) In no event shall new evidence, not admitted into evidence under sections 1-21j-35 to 1-21j-38, inclusive, of the regulations of Connecticut state agencies, be submitted to, or considered by, the commission at the commission meeting at which the proposed final decision is considered. In addition, no party or intervenor shall present any argument at the commission meeting at which the proposed final decision is considered unless such argument has been raised (1) at the hearing in the contested case; or (2) in a bill of exceptions or brief filed with the commission on or before the wednesday of the week immediately prior to the meeting at which the proposed final decision is scheduled to be discussed and/or acted upon by the commission; or (3) in the proposed final decision itself. The commission may limit the period of time for argument by serving notice of such limitation upon all of the parties simultaneously with the proposed final decision. For good cause shown, the commission may enlarge the period of time for argument, if the request is made in writing, stating the reasons therefor, and filed with the commission on or before the Wednesday of the week immediately prior to the proceeding at which such proposed final decision is scheduled to be discussed or acted upon by the commission. Upon the request of a party or intervenor, the commission shall tape record that portion of its meeting, open to the public, concerning the proposed final decision concerning such party or intervenor.

(c) In the proposed final decision to be served upon the parties, the commission or presiding officer shall set forth such commission's or such presiding officer's summary of each issue of fact and law that such commission or such presiding officer finds necessary to reach the conclusions contained in the proposed final decision.

(Effective January 17, 1984; amended January 20, 1999)

Sec. 1-21j-41. Contents of the record in a contested case

The record in a contested case shall include: (1) written notices related to the case; (2) all petitions, pleadings, motions and intermediate rulings; (3) evidence received or considered; (4) questions and offers of proof, objections and rulings thereon; (5) the official transcript, if any, of proceedings relating to the case, or, if not transcribed, any recording or stenographic record of the proceedings; (6) proposed final decisions and exceptions thereto; and (7) the final decision. The commission or presiding officer may designate other documents or portions of the commission's proceedings as part of the record in a contested case. Requests to so designate other material as part of the record shall be made to the commission or presiding officer at the time the final decision is adopted.

(Effective December 23, 1986; amended January 20, 1999)

Sec. 1-21j-42. Final decision in a contested case

All final decisions and orders of the commission concluding a contested case shall be in writing or orally stated and shall be made a part of the record of such case. The commission shall serve a copy of its final decision on each party and intervenor in the manner required by sections 1-21j-1 to 1-21j-57, inclusive, of the regulations of Connecticut state agencies and by chapter 54 of the general statutes.

(Effective December 23, 1986; amended January 20, 1999)

ARTICLE 3

MISCELLANEOUS PROCEEDINGS

Part 1

Petitions Concerning Adoption of Regulations

Sec. 1-21j-43. General rule

Sections 1-21j-1 to 1-21j-57, inclusive, of the regulations of Connecticut state agencies set forth the procedure to be followed by the commission in the disposition of a petition concerning the promulgation, amendment, or repeal of regulations.

(Effective December 23, 1986; amended January 20, 1999)

Sec. 1-21j-44. Form of petition

Any person may petition the commission, or the commission may on its own motion initiate a proceeding, to promulgate, amend, or repeal any regulation. The petition shall conform to sections 1-21j-1 to 1-21j-43, inclusive, of the regulations of Connecticut state agencies, where applicable, and shall set forth clearly and concisely the text of the proposed regulation, amendment, or repeal. The petition shall contain the name and address of the petitioner. Such petition shall also state the facts and arguments that favor the action it proposes by including such data, facts, and arguments in the petition or in a brief annexed thereto. The petition shall be addressed to the commission and delivered to it at its principal office.

(Effective January 7, 1976; amended January 20, 1999)

Sec. 1-21j-45. Procedure after petition filed

(a) **Decision on petition.** Upon receipt of the petition the commission shall within thirty (30) days determine whether to deny the petition or to initiate regulation-making proceedings in accordance with law.

(b) **Procedure on denial.** If the commission denies the petition, the commission shall give the petitioner notice in writing, stating the reasons for the denial based upon the data, facts, and arguments submitted with the petition by the petitioner and upon such additional data, facts and arguments as the commission shall deem appropriate.

(Effective January 7, 1976; amended January 20, 1999)

Part 2

Petitions For Declaratory Rulings

Sec. 1-21j-46. General rule

Sections 1-21j-46 to 1-21j-48, inclusive, of the regulations of Connecticut state agencies set forth the procedure to be followed by the commission in the disposition of a petition for declaratory ruling as to the validity of any regulation, or the

applicability to specified circumstances of a provision of the general statutes, a regulation, or a final decision on a matter within the commission's jurisdiction.

(Effective January 17, 1984; amended January 20, 1999)

Sec. 1-21j-47. Form of petition for declaratory ruling

Any person may petition the commission, or the commission may on its own motion initiate a proceeding, for a declaratory ruling as to the validity of any regulation, or the applicability to specified circumstances of a provision of the general statutes, a regulation, or a final decision on a matter within the commission's jurisdiction. The petition shall conform to sections 1-21j-1 to 1-21j-46, inclusive, of the regulations of Connecticut state agencies, where applicable. Such petition shall be addressed to the commission at its principal office. The petition shall contain the name and address of the petitioner. The petition shall (1) state clearly and concisely the substance and nature of the petition; (2) identify the statute, regulation or order concerning which the petition is made; and (3) identify the particular aspect thereof to which the petition is directed. The petition for a declaratory ruling shall be accompanied by a statement of any supporting data, facts and arguments that support the position of the petitioner.

(Effective January 7, 1976; amended January 20, 1999)

Sec. 1-21j-48. Procedure after petition for declaratory ruling filed

(a) **Notice.** Within thirty (30) days after receipt of a petition for a declaratory ruling, the commission shall give notice of the petition to all persons to whom notice is required by any provision of law and to all persons who have requested notice of the declaratory ruling petitions on the subject matter of the petition.

(b) **Parties and intervenors.** If the commission finds that a timely petition to become a party or to intervene has been filed according to sections 1-21j-1 to 1-21j-57, inclusive, of the regulations of Connecticut state agencies, the commission may grant a person: (1) status as a party if the commission finds that the petition states facts demonstrating that the petitioner's legal rights, duties or privileges shall be specifically affected by the commission proceeding; or (2) status as an intervenor if the commission finds that the petition states facts demonstrating that the petitioner's participation is in the interests of justice and shall not impair the orderly conduct of the proceedings. The commission or presiding officer may define an intervenor's participation in the manner set forth in subsection (d) of section 4-177a of the general statutes.

(c) **Commission action.** Within sixty (60) days after receipt of a petition for a declaratory ruling, the commission in writing shall: (1) issue a ruling declaring the validity of a regulation or the applicability of the provision of the general statutes, the regulation, or the final decision in question to the specified circumstances; (2) order the matter set for specified proceedings; (3) agree to issue a declaratory ruling by a specified date; (4) decide not to issue a declaratory ruling and initiate regulation-making proceedings, under section 4-168 of the general statutes, on the subject; or (5) decide not to issue a declaratory ruling, stating the reasons for its action.

(d) **Provision for hearing.** If the commission deems a hearing necessary or helpful in determining any issue concerning a petition for declaratory ruling, the commission shall schedule such hearing and give such notice thereof as shall be appropriate. The provisions of sections 1-21j-1 to 1-21j-57, inclusive, of the regulations of Connecticut state agencies concerning contested cases govern the practice and procedure of the commission in any hearing concerning a declaratory ruling.

(Effective January 7, 1976; amended January 20, 1999)

Part 3

Investigations

Sec. 1-21j-49. Generally

The commission may at any time institute investigations for such purposes as may be authorized by law, including those purposes set forth in subsection (d) of section 1-21j of the general statutes.

(Effective January 17, 1984; amended January 20, 1999)

Sec. 1-21j-50. Procedure

The rules of practice and procedure set forth in sections 1-21j-1 to 1-21j-57, inclusive, of the regulations of Connecticut state agencies concerning contested cases govern any hearing held in the course of such an investigation.

(Effective January 17, 1984; amended January 20, 1999)

Part 4

Personal Data Act Provisions

Sec. 1-21j-51. Definitions

When used in sections 1-21j-51 to 1-21j-57, inclusive, of the regulations of Connecticut state agencies, 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 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 general statutes.

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

(e) "Case file" means that compilation of personal data, in either manual or automated form, relating to a specific commission investigation, contested case, declaratory ruling or court case.

(f) "Computer accessible files" means any personal data which are 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.

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

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

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

(j) “Person” means an individual of any age concerning whom personal data are maintained in a personal data system, or a person’s attorney or authorized representative.

(k) “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 1-19 of the general statutes.

(l) “Personal data system” means a collection of records containing personal data.

(m) “Personnel file” means that compilation of personal data, in either manual or automated form, relating to a commission employee’s employment and personnel activities, including, but not limited to, his or her performance, evaluation and payroll and other employment-related record-keeping which is necessary for the conduct of the commission’s business and which is kept and maintained by the commission’s business office.

(n) “Record” means any collection of personal data which is collected, maintained or disseminated.

(o) “Categories of personal data” means the classifications of personal information set forth in subdivision (9) of Section 4-190 of the general statutes.

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

(Effective January 7, 1976; amended January 20, 1999)

Sec. 1-21j-52. Categories of personal data in the commission’s personal data system

The categories of personal data maintained by the commission consist of case files, employment records and personnel files. In addition, the commission 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.

(Effective November 1, 1989; amended January 20, 1999)

Sec. 1-21j-53. General nature and purpose of personal data system

(a) The commission has a single designated personal data system consisting of three parts and whose nature and purpose is to maintain accurate and current information regarding:

(1) commission case files in fulfillment of its statutory duties under the Freedom of Information Act and chapter 54 of the general statutes;

(2) the qualifications of employment applicants; and

(3) employees’ employment and personnel activities necessary for the conduct of the commission’s business.

(b) The commission’s personal data system is both manual and automated and is located at the commission’s principal office. The commission is responsible for maintaining the system and requests for disclosure of, or amendment to, information should be made in care of the commission’s executive director or managing director. The commission’s routine sources of personal data are witnesses, public records, parties, employment applications, personal resumes and department of administrative services and state comptroller forms.

(Effective November 1, 1989; amended January 20, 1999)

Sec. 1-21j-54. Maintenance of personal data

(a) The commission 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 commission shall be disposed of in accordance with the commission's record retention schedule, or upon permission from the public records administrator to dispose of said records under section 11-8a of the general statutes.

(b) The commission 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 commission's 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 commission 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 commission 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 commission or on its behalf.

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

(g) Access to the commission's personal data system is available to commission 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 commission shall keep an up-to-date roster of commission employees entitled to access to the commission's personal data system.

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

(i) The commission shall ensure 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 commission 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 commission 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 commission, to the greatest extent practical, shall ensure that regular access to automated equipment is limited to operations personnel and other authorized persons.

(m) The commission 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; amended January 20, 1999)

Sec. 1-21j-55. Disclosure of personal data

(a) Any individual may request from the commission 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 commission promptly shall mail or deliver to the requesting individual a written response in plain language.

(b) Except where prohibited by law, the commission shall disclose to any person upon request all personal data concerning that person which are maintained by the commission. 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, commission personnel shall verify the identity of any person requesting access to his or her own personal data.

(d) The commission may refuse to disclose to a person medical, psychiatric or psychological data regarding that person if it is determined by the commission that such disclosure would be detrimental to the person, or if such nondisclosure is otherwise permitted or required by law. If the commission 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 commission 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 commission 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 commission 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 that has obtained access to or to which disclosure has been made of personal data in accordance with subsection (c) of section 4-193 of the general statutes, together with a reason for each such disclosure or access. This log shall be maintained for not less than five (5) 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 20, 1999)

Sec. 1-21j-56. 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 commission for correction of personal data pertaining to him or her.

(b) Within thirty (30) days of receipt of such request, the commission shall notify such individual that it shall make the correction, or if the correction is not to be made as submitted, the commission 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 commission, 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 commission's personal data system and shall be disclosed to any individual, agency or organization to which the disputed personal data are disclosed.

(Effective November 1, 1989; amended January 20, 1999)

Sec. 1-21j-57. Uses to be made of the personal data

(a) Case files are routinely used in the performance of the commission's statutory mandate to administer and enforce the Freedom of Information Act.

(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 commission employees. Personnel files are used also for payroll and other employment-related record-keeping, as required by the department of administrative services, the office of the comptroller, the office of policy and management and other legal authorities.

(d) Records contained in the commission's personal data system shall be retained for the period indicated for such records in the commission's 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 general statutes.

(e) When an individual is asked by the commission to supply personal data, the commission, upon request, shall disclose to that individual:

(1) The name of the commission;

(2) The legal authority under which the commission is empowered to collect and maintain the personal data;

(3) The individual's rights pertaining to such records under the personal data act and commission 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 20, 1999)

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Code of Ethics

Sec. 1-81-1. Definitions

For purposes of these regulations implementing the Code of Ethics for Public Officials, the definitions contained in Section 1-79 of the Connecticut General Statutes, shall apply whenever pertinent.

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

Article 6 - Filing of Statements Pursuant to Section 1-83, Connecticut General Statutes

Part 1 - Annual Statement of Financial Interests

Sec. 1-81-2. Form of statement, filing requirements

(a) The Annual Statement of Financial Interests required of those individuals whose positions are enumerated in Subsection (a) of Section 1-83 of the Connecticut General Statutes, and those individuals designated by the Governor pursuant to Subsection (a) of Section 1-83 (a) shall be made under penalty of false statement and filed on a form promulgated by the Citizen's Ethics Advisory Board.

(b) An individual who occupies a position which requires the filing of an Annual Statement of Financial Interests shall file for the preceding year by the first of May of any year in which he or she holds such a position. However, a person assuming such a position after March thirty-first of any year shall file for the preceding year within thirty days of assuming his or her position. An individual leaving such a position shall file for the portion of the calendar year served. The person shall be notified of this requirement by the Office of State Ethics within thirty days of his or her departure, and shall file such statement within sixty days after receipt of the notification. No statement shall be considered filed until it is received by the Office of State Ethics.

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

Sec. 1-81-2a. Electronic filing of statement

(a) Any statement required pursuant to subsection (a) of Section 1-83 of the Connecticut General Statutes may be filed with the Office of State Ethics electronically, provided the filer has previously submitted a properly completed Statement of Financial Interests Electronic Filing Authorization Form (ETH-4C) to the Office of State Ethics.

(b) An individual with an approved ETH-4C Form on file with the Office of State Ethics will be deemed to have signed his or her statement, under penalty of false statement, when the individual: 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)

Sec. 1-81-3. Listing of names of those whose interests are required to be disclosed

(a) In order to allow determination of the completeness and accuracy of the information required to be filed pursuant to Subdivision (1) of Subsection (b) of Section 1-83 of the Connecticut General Statutes, each individual required to file shall disclose, on the form provided by the Office of State Ethics, the names of his or her spouse and dependent children residing in the individual's household.

(b) In each instance of disclosure mandated by Subdivision (1) of Subsection (b) of Section 1-83 of the Connecticut General Statutes, the filer shall identify by

relationship (e.g., self, spouse, son) or name the owner or holder of the interest or the recipient of the income as the case may be. Additionally, whenever a reportable interest is held by another (e.g., a trustee) for the benefit of a reportable individual, the filer shall disclose both the holder and the beneficiary by either relationship or name.

(c) For purposes of this subsection, “dependent child” means any individual who is a son, daughter, stepson, or stepdaughter and who is a qualifying child of the filing individual within the meaning of section 152 of the Internal Revenue Code of 1986, as amended, 26 U.S.C. 152.

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

Sec. 1-81-4. Disclosure of businesses with which associated

(a) When disclosing the names of all businesses with which associated, pursuant to Subdivision (1) (A) of Subsection (b) of Section 1-83 of the Connecticut General Statutes, each filer shall disclose the name and address of the business, the nature of the interest held (e.g., owner, partner, director, etc.) and, with reasonable particularity, the nature of the business or activity (e.g., manufacturing of farm equipment, computer consulting, etc.).

(b) Notwithstanding subsection (a) of this section, in the case of disclosure of trust interests, pursuant to Subdivision (1) (A) of Subsection (b) of Section 1-83 of the Connecticut General Statutes, it shall be sufficient to disclose the name of the trust and the names of the trustees.

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

Sec. 1-81-5. Description of income

(a) As used in subsection (b) of Section 1-83 of Connecticut General Statutes, income shall be construed to mean all income from whatever source derived, including but not limited to: earned income (such as compensation for services), fees, commissions, salaries, wages, tips, bonuses, gross income derived from business, capital gains, interest, rents, royalties, dividends, annuities, gifts, honoraria, lottery or other gambling winnings, income from the investment portion of life insurance and endowment contracts, pensions, income from discharge of indebtedness or debt forgiveness, assignment or receipt of property interests or rights, distributive share of partnership income, and income from any interest in an estate or trust. The term includes all income items, whether tangible or intangible regardless of whether they are taxable for Federal or State income tax purposes and regardless of whether legally obtained.

(b) The description of each source of income identified as a gift shall include:

(1) the identity and occupation of the donor. If a gift has more than one donor, the filer shall provide the necessary information for each donor;

(2) a brief description of the gift.

(c) For purposes of 1-83(b)(1)(A) political campaign funds, including campaign receipts and expenditures, need not be included in any report filed under this part.

(Adopted effective June 24, 2009)

Sec. 1-81-6.

Repealed, March 3, 1998.

Sec. 1-81-7. Disclosure of securities in excess of five thousand dollars, definition of “securities”

Included in the definition of securities for purposes of Subdivision (1) (C) of Subsection (b) of Section 1-83 of the Connecticut General Statutes, and therefore

required to be disclosed, are stocks, bonds, investment partnerships or trusts (including Real Estate Investment Trusts and stock trusts), hedge funds, investment “pools” or funds (including venture capital funds), and mutual funds. Also included in the definition of securities is the right to purchase or own any of the aforementioned securities (i.e., an “option” or “derivative”). Bank accounts, certificates of deposit, and money-market funds are not within the definition of security and need not be disclosed under Subdivision (1) (C) of Subsection (b) of Section 1-83 of the Connecticut General Statutes.

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

Sec. 1-81-8. Disclosure of all real property and its location

When disclosing all real property and its location pursuant to Subdivision (b) (1) (E) of Section 1-83 of the Connecticut General Statutes, the filer shall disclose the entire address of such property, including its street address.

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

Sec. 1-81-9. Disclosure of the names and addresses of creditors

For the purpose of determining creditors to whom the filer, his or her spouse or dependent children, individually, owed debts of more than ten thousand dollars, pursuant to Subdivision (1) (F) of Subsection (b) of Section 1-83 of the Connecticut General Statutes, the offsetting of an account payable with a separate account receivable shall not be permitted.

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

Sec. 1-81-10. Disclosure of leases and contracts with the state

(a) When disclosing leases with the State held or entered into by the filer or a business with which the filer was associated, pursuant to Subdivision (1) (G) of Subsection (b) of Section 1-83 of the Connecticut General Statutes, the filer shall include the term of the lease, the annual rent, the address of the subject property, and the names of the lessor and lessee.

(b) When disclosing contracts with the State held or entered into by the filer or a business with which the filer was associated, pursuant to Subdivision (1) (G) of Subsection (b) of Section 1-83 of the Connecticut General Statutes, the filer shall include the term of the contract, the contract cost or value, the subject of the contract, the names of the parties, and the contract identification number.

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

Sec. 1-81-10a. Disclosure of business affiliations

For purposes of Subdivision (1)(H) of Subsection (b) of Section 1-83 of the Connecticut General Statutes, “similar business affiliation” means any association of persons jointly undertaking or owning a commercial enterprise in which there is:

(1) a community of interest among such persons in the performance of the subject matter of such enterprise;

(2) a right by such persons to directly influence the policies, direction and/or governance of the enterprise; and,

(3) a right by such persons to share directly in any profit gained by the enterprise.

(Adopted effective June 24, 2009)

Sec. 1-81-11. Confidentiality procedures regarding disclosures made pursuant to subdivision (1)(F) of subsection (b) of section 1-83 of the Connecticut General Statutes

Pursuant to Subsection (c) of Section 1-83 of the Connecticut General Statutes, the disclosure of creditors shall not be a matter of public information. These disclo-

tures shall be made, under penalty of false statement, on a separate form (the Confidential Addendum) promulgated by the Citizen's Ethics Advisory Board. The completed Confidential Addendum shall be submitted to the Office of State Ethics with the filer's Annual Statement of Financial Interests form. If the filer wishes the Addendum to remain confidential, he or she shall submit it in a sealed envelope.

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

Part 2 - Annual Statements of Financial Interests Required of State Marshals

Sec. 1-81-12. Form of statement, filing requirements

(a) The Annual Statement of Financial Interests required to be filed by state marshals, pursuant to Subdivision (2) of Subsection (b) of Section 1-83 of the Connecticut General Statutes, shall disclose amounts and sources of income earned in their capacity as state marshals including the name, address, and amount received from any person paying one thousand dollars or more for any category of state marshal services during the calendar year being reported for.

(b) The State Marshal Annual Statement of Income shall be made under penalty of false statement and filed on a form promulgated by the Citizen's Ethics Advisory Board.

(c) The statement shall be filed by the first of May of each year disclosing the amounts and sources of income earned as a state marshal during the preceding calendar year. However, a person assuming the office of state marshal after March thirty-first of any year shall file for the preceding year within thirty days after assuming office. When a state marshal is required to file for a previous calendar year during which he or she was not in office, the statement shall disclose the date when office was assumed and a certification of the fact that no reportable income was received during the preceding year. A person leaving such office shall file for the portion of the calendar year served. The person will be notified of this requirement by the Office of State Ethics within thirty days of his or her departure, and shall file within sixty days after receipt of the notification. No statement shall be considered filed until it is received by the Office of State Ethics.

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

Sec. 1-81-13. Determination of income and expenses

In order to accurately reflect net income on State Marshal Annual Statement of Income, the filer shall disclose both gross income earned as a state marshal and expenditures made incident to earning this income.

(a) In reporting gross income, the filer shall include salary and payments for service of process, executions (wage, bank, property, etc.), collection of delinquent taxes, and court attendance (as bailiff). The filer shall not, however, include reimbursements of advancements, or funds held but not his or hers to keep. For example, do not include: bail or bond money received or held; reimbursement of motor vehicle or town clerk fees; filing or entry fees; witness, moving, or keeper fees; certified/registered mailing fees.

(b) In reporting expenses, the filer shall include the proportionate amounts of all expenses directly attributable to the performance of official duties as state marshal (office expenses such as rent, insurance, utilities, actual copying costs; transportation expenses; employee expenses; etc.). For employees, include proportionate amounts of their compensation and benefits (social security tax, unemployment compensation tax, medical insurance, etc.) attributable to supporting the state marshal in the

performance of official duties. To report transportation expenses, report either the proportionate cost of actual expenses for gasoline, car insurance, repairs, etc., or the number of miles traveled on state marshal business multiplied by the statutory mileage fee. In addition to reporting total expenses, the filer shall, on a separate sheet, itemize expenses by category. Said categories shall be as follows: employees (specify secretarial, etc.), office expenses (specify actual copying costs, etc.), and transportation.

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

Article 7 - Conflict of Interest Provisions Sections 1-84, 1-85, and 1-86 of the Connecticut General Statutes

Part 1 - Section 1-84, Connecticut General Statutes

Sec. 1-81-14. Subsection (b) of section 1-84 of the Connecticut General Statutes: definition of “employment”

Pursuant to Subsection (b) of Section 1-84 of the Connecticut General Statutes, no public official or state employee shall accept other employment which will either impair independence of judgment as to official duties or state employment or require or induce disclosure of confidential information acquired through state service. For the purposes of Subsection (b) of Section 1-84 the term employment shall be construed to include any work or endeavor, whatever its form, undertaken in order to obtain financial gain (e.g., employee of a business, sole practitioner, independent contractor, investor, etc.). The term shall not, however, include any endeavor undertaken only as a hobby or solely for charitable, educational, or public service purposes, when no compensation or other financial gain for the individual, his or her immediate family or a business with which the individual is associated is involved.

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

Sec. 1-81-15. Section 1-84 of the Connecticut General Statutes: definition of “confidential information”

(a) For the purposes of Subsection (b) and (c) of Section 1-84 of the Connecticut General Statutes, the term confidential information shall include: (1) any information in the possession of the State, a state employee, or a public official, whatever its form, which is mandatorily non-disclosable to the general public under any state or federal statute, regulation, or provision; and (2) any information in the possession of the State, a state employee, or a public official, whatever its form, which falls within a category of permissibly non-disclosable information under the Freedom of Information Act, Chapter 3 of the Connecticut General Statutes, and which the appropriate agency or individual has decided not to disclose to the general public.

(b) For the purposes of Subsection (b) and (c) of Section 1-84 of the Connecticut General Statutes, the term confidential information shall be construed to include not only information that has been recorded in some fashion (e.g., written or taped information), but also orally transmitted information (e.g., negotiations or conversations), whenever any such information falls within the terms of subsection (a) of this section.

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

Sec. 1-81-16. Subsection (c) of section 1-84 of the Connecticut General Statutes: use of inside information prohibited

Pursuant to Subsection (c) of Section 1-84 of the Connecticut General Statutes, no public official or state employee shall use his public office or position to obtain

financial gain for himself, his spouse, child, child's spouse, parent, brother or sister or a business with which he is associated. Under Subsection (c) of Section 1-84, it shall constitute a prohibited use of office for a public official or state employee to use previously confidential information, as defined in Sec. 1-81-15 of these regulations, acquired through state service, for the financial benefit of any person listed in Subsection (c) of Section 1-84 until either such information has been available to the general public for fifteen days or an unrelated member of the general public has made a legitimate offer regarding the economic opportunity, whichever is earlier.

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

Sec. 1-81-16a. Subsection (c) of section 1-84 of the Connecticut General Statutes: financial gain defined

Pursuant to subsection (c) of section 1-84 of the Connecticut General Statutes, "financial gain" shall mean any benefit valued in excess of one hundred dollars per person per year that is received by or agreed to be received by a state employee or public official, his spouse, child, child's spouse, parent, brother or sister or a business with which he is associated.

(Adopted effective June 24, 2009)

Sec. 1-81-17. Subsection (b) and (c) of section 1-84 of the Connecticut General Statutes: use of expertise for financial gain not prohibited

Pursuant to Subsection (b) and (c) of Section 1-84 of the Connecticut General Statutes, no public official or state employee may accept outside employment which will impair independence of judgment as to state duties or require or induce disclosure of confidential state information, nor may such an individual use state position or confidential information acquired through state service to obtain personal financial gain. These provisions do not, however, prevent a public official or state employee from using his or her expertise, including expertise gained in state service, for personal financial gain as long as no provision of the Code of Ethics for Public Officials, Chapter 10, Part I of the Connecticut General Statutes, is violated. Generally, Subsection (b) and (c) of Section 1-84 are violated when the public official or state employee accepts outside employment with an individual or entity which can benefit from the state servant's official actions (e.g., the individual in his or her state capacity has specific regulatory, contractual, or supervisory authority over the private person). Any public official or state employee considering accepting outside employment which may be barred or restricted by Subsection (b) and (c) of Section 1-84 of the Connecticut General Statutes should seek the Office of State Ethics' advice, in advance, pursuant to Subdivision (3) of Subsection (a) of Section 1-81 of the Connecticut General Statutes.

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

Sec. 1-81-18. Subsection (d) of section 1-84 of the Connecticut General Statutes: "appearing" or "taking any other action" defined, permitted activities explained

(a) It shall constitute a prohibited appearance or action under Subsection (d) of Section 1-84 for any public official or state employee subject to that provision to transmit any document to or make any other contact with the listed agencies which reveals the identity of the individual to the agency in connection with any pending matter (e.g., appearing in person, submitting a document with one's signature or professional stamp, identifying oneself over the telephone, or submitting any materials with a letterhead which includes the individual's name).

(b) Notwithstanding subsection (a) of this section, it shall not be a violation of Subsection (d) of Section 1-84 of the Connecticut General Statutes, for a public official or state employee subject to that provision to contact a listed agency for the sole purpose of obtaining generic information (e.g., copies of current rules or regulations) unrelated to any specific client or matter, regardless of whether such action is compensated or not.

(c) Notwithstanding subsection (a) of this section, it shall not be a violation of Subsection (d) of Section 1-84 of the Connecticut General Statutes, for a public official or state employee subject to that provision to appear or take any other action before a listed agency on behalf of himself or herself, his or her family, a constituent, or any other individual provided that no compensation is received by the official or employee, or his or her firm or business, for the representation.

(d) Pursuant to Subsection (d) of Section 1-84 of the Connecticut General Statutes, the restrictions of the subsection shall not apply: (1) to the actions of any teaching or research professional employee of a public institution of higher education if such actions are not in violation of any other provision of the Code of Ethics for Public Officials; (2) to any member of a board or commission who receives no compensation other than per diem payments or reimbursement for actual expenses, or both, incurred in the performance of his or her duties; or (3) to any member or director of a quasi-public agency.

(e) Pursuant to Subsection (d) of Section 1-84 of the Connecticut General Statutes, the restrictions of the subsection shall not apply to a corporation, union, municipality or other entity which employs a public official or state employee but is not in the business of representing others for compensation before Subsection (d) of Section 1-84 agencies. In these instances, the provisions of the subsection shall only restrict the public official or state employee.

(f) Pursuant to Subsection (d) of Section 1-84 of the Connecticut General Statutes, the restrictions of the subsection shall not prohibit a legislator, an officer of the General Assembly, or part-time legislative employee from being or becoming a member of a firm, partnership, association or professional corporation which represents clients before the listed agencies, provided the individual: (1) takes no part in any matter involving a listed agency; and (2) receives no compensation from any such matter.

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

Sec. 1-81-19. Subsection (i) of section 1-84 of the Connecticut General Statutes: open and public contract process defined

(a) Pursuant to Subsection (i) of Section 1-84 of the Connecticut General Statutes, no specific offer or bid procedure is required provided that the process utilized allows all or most of those persons interested in and qualified to fulfill the contract to apply and compete. For example, an advertisement of the availability of the contract in the general circulation newspapers for the area in question or in trade or professional journals directed toward the business or profession qualified to do the work in question is sufficient. In every case, all proposals considered and the contract awarded must be open and available for subsequent public inspection.

(b) Pursuant to Subsection (i) of Section 1-84 of the Connecticut General Statutes, the provisions of the subsection shall not apply to any public official who is appointed as a member of the executive branch or as a member or director of a quasi-public agency and who receives no compensation other than per diem payments or reimbursement for actual or necessary expenses, or both, incurred in the performance

of official duties unless such official has authority or control over the subject matter of the contract.

(c) No provision of Subsection (i) of Section 1-84 of the Connecticut General Statutes, shall require an open and public process when a person subject to the subsection applies for or is granted a statutory benefit which by law is afforded confidentiality, e.g., public assistance provided by the Department of Income Maintenance.

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

Sec. 1-81-20. Valuation of benefits

(a) Pursuant to Subsection (j) of Section 1-84 of the Connecticut General Statutes, no public official, state employee or candidate for public office, or member of such an individual's staff or immediate family is allowed to accept any gift from a person known to be a registered lobbyist or anyone known to be acting on behalf of a registered lobbyist.

(b) Pursuant to Subsection (m) of Section 1-84 of the Connecticut General Statutes, no public official or state employee serving in the executive branch or a quasi-public agency shall knowingly accept, directly or indirectly, any gift from any person the official or employee knows or has reason to know: (1) is doing business with or seeking to do business with the department or agency in which the official or employee is employed, or (2) is engaged in activities which are directly regulated by such department or agency. No person shall knowingly give, directly or indirectly, any gift in violation of this provision.

(c) Pursuant to Subsection (e) of Section 1-79 of the Connecticut General Statutes, certain categories of benefits are excluded from the term "Gift" if the dollar value of the benefit is limited (e.g., a certificate, plaque or other ceremonial award costing less than one hundred dollars; or food and beverage costing less than fifty dollars in the aggregate per recipient in a calendar year).

(d) In determining the value of any benefit for the purposes of Subsection (j) of Section 1-84, Subsection (m) of Section 1-84, and Subsection (e) of Section 1-79 of the Connecticut General Statutes, the following rules shall apply:

(1) the value of the benefit equals the cost to the donor or payor if the benefit was obtained by the donor or payor in a marketplace transaction;

(2) when (1), above, is not applicable the value equals the fair market value of the benefit 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 recipient may use any reasonable method to determine value (e.g., appraisal of unique item);

(4) when (1), (2), and (3), above, are not applicable, the value of the benefit is indeterminable. If the value of a benefit is indeterminable, an individual subject to Subsection (j) of Section 1-84 or Subsection (m) of Section 1-84 shall not accept the item, unless its value is clearly insignificant.

(e) Notwithstanding the valuation rules set forth in subsection (d) of this section no benefit shall be deemed to accrue to any individual unless it ". . . is directly and personally received" as required by Subsection (e) of Section 1-79 of the Connecticut General Statutes. For the meaning and application of the term "directly and personally received" see Sec. 1-92-54 of the Citizen's Ethics Advisory Board's Regulations.

(f) Pursuant to Subsection (a) of Section 1-79 of the Connecticut General Statutes, for 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.

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

Sec. 1-81-21. Fees and honorariums prohibited; “necessary expenses” allowed

(a) Pursuant to Subsection (k) of Section 1-84 of the Connecticut General Statutes, no public official or state employee shall accept a fee or honorarium for an article, appearance or speech, or for participation in an event, in his or her official capacity.

(b) Under Subsection (k) of Section 1-84 of the Connecticut General Statutes, a public official or state employee may, however, receive payment or reimbursement for “necessary expenses” incident to those activities enumerated in subsection (a) of this section. Pursuant to Subsection (q) of Section 1-79 of the Connecticut General Statutes, “necessary expenses” shall be limited to a public official’s or state employee’s necessary travel expenses, lodging for the nights before, of and after the appearance, speech or event, meals, and any related conference or seminar registration fees. Such necessary expense payments do not include payment of expenses for the public official’s or state employee’s family or other guests.

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

Sec. 1-81-22. Definition of “in his official capacity” as used in subsection (k) of section 1-84 of the Connecticut General Statutes

(a) Pursuant to Subsection (k) of Section 1-84 of the Connecticut General Statutes, a public official or state employee is prohibited from accepting a fee or honorarium only if the activity is undertaken in one’s “official capacity.”

For example, a state employee-professor with expertise in a certain field would not be barred, under Subsection (k) of Section 1-84, from accepting a fee or honorarium for a speech, as long as the individual was selected because of his or her knowledge and expertise, not his or her state position.

(b) When a public official or state employee is asked to give a speech, make an appearance, participate in an event, or write an article, the activity shall be deemed to be in his or her “official capacity” if the public official’s or state employee’s official position or authority was a significant factor in the decision to extend the invitation. Under these circumstances, no fee or honorarium may be accepted.

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

Sec. 1-81-23. Disclosure of necessary expenses; filing requirement, filing date

Pursuant to Subsection (k) of Section 1-84 of the Connecticut General Statutes, a public official or state employee who accepts payment or reimbursement of necessary expenses for an article, appearance, speech or participation in an event in his or her official capacity shall disclose such to the Office of State Ethics, if it includes payment or reimbursement for lodging or out-of-state travel or both. Any required disclosure must be received by the Office of State Ethics within thirty days of the individual’s receipt of payment or reimbursement. No disclosure shall be required, however, when the payor is the federal government or another state government.

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

Sec. 1-81-24. Form of disclosure

The disclosure of any necessary expenses required pursuant to Subsection (k) of Section 1-84 of the Connecticut General Statutes, shall be in writing, dated, and

signed under penalty of false statement by the recipient. The disclosure may be made by means of a letter or memorandum to the Office of State Ethics. Alternatively, disclosure may be accomplished by using form ETH-NE promulgated by the Citizen's Ethics Advisory Board for this purpose.

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

Sec. 1-81-25. Specifics of disclosure

(a) The written disclosure of any necessary expenses required pursuant to Subsection (k) of Section 1-84 of the Connecticut General Statutes, shall describe with reasonable particularity any expense payment or reimbursement received. However, if not known, the filer need not include the specific dollar value of any such expense payment. For example, it shall be sufficient to disclose in the following terms: receipt of round trip coach air fare to (place) and meals and accommodations for (time period).

(b) In the case of necessary expenses received for an appearance, speech, or participation in an event, the written disclosure shall include the name of the payor, the place, date and purpose of the activity, and the date of any expense payment or reimbursement, if different.

(c) In the case of necessary expenses received for the publication of an article the written disclosure shall include the name of the payor, the date of the payment or reimbursement and subject of the article.

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

Sec. 1-81-26. Donation of fee or honorarium

Whenever a public official or state employee is prohibited under Subsection (k) of Section 1-84 of the Connecticut General Statutes, from accepting a fee or honorarium, it shall be permissible for the individual to direct or allow the payor to donate the fee or honorarium to any non-profit entity, provided the individual shall not receive any charitable tax deduction or other financial benefit for such act.

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

Sec. 1-81-27. Gifts to the state

(a) Nothing in Subsections (j) and (m) of Section 1-84 of the Connecticut General Statutes, which prohibits the acceptance of gifts and nothing in Subsection (c) of Section 1-84 of the Connecticut General Statutes, which prohibits the use of public office or position for personal financial gain shall prohibit the State from accepting gifts of goods and services for use on state or quasi-public agency property which support an event and facilitate state action or functions, pursuant to subdivision (5) of subsection (e) of section 1-79 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 June 16, 1993, amended March 3, 1998, January 2, 2008)

Part 2 - Section 1-85 of the Connecticut General Statutes

Sec. 1-81-28. Section 1-85 of the Connecticut General Statutes: substantial conflict of interest explained

(a) Pursuant to Section 1-85 of the Connecticut General Statutes, a public official or state employee has a substantial conflict and may not take official action if any expected benefit or detriment accrues solely to the individual, his or her spouse, dependent child, or a business with which he or she is associated.

For example, a state employee required, in the course of his or her official duties, to determine whether a consulting contract should be awarded to his or her spouse has a substantial conflict, and may not take official action on the matter.

For example, if a legislator is on the board of directors of a for-profit corporation, that corporation is a business with which the legislator is associated. As a result, if the corporation applied to the General Assembly for bonding, the legislator/director would have a substantial conflict, and may not take official action on the specific bonding request.

(b) Additionally, pursuant to Section 1-85 of the Connecticut General Statutes, a public official or state employee has a substantial conflict and may not take official action if any expected benefit or detriment accrues to the individual, his or her spouse, dependent child, or a business with which he or she is associated to a greater extent than to any other member (i.e., one or more other members) of the affected profession, occupation or group. In general, a member of an affected profession, occupation, or group may have a substantial conflict of interest when the laws regulating his or her profession, business, or industry are significantly altered. In determining whether or not a substantial conflict exists, the individual must evaluate the effect of the action on his or her interests.

For example, legislation that appears neutral on its face, e.g., a bill to allow unrestricted interstate banking in Connecticut, would create a substantial conflict for a particular legislator if he or she had a financial interest in bank stock that he or she had reason to believe or expect would be affected differently by the passage of the legislation than others in the affected group, i.e., others with a financial interest in banks. Under these circumstances, a substantial conflict would exist if, for example, the bank in which the legislator held stock had a pending merger agreement that would significantly increase the value of the legislator's stock and the merger agreement was contingent on the passage of the legislation in question. This set of facts would give the legislator reason to expect a direct monetary gain greater than one or more other members of the affected group, since others with financial interests in banks, but without a specific pending beneficial merger agreement, would not have a reasonable expectation of similar gain.

(c) A public official or state employee has reason to believe or expect the derivation of a direct monetary gain or loss by reason of his or her official activity under Section 1-85 of the Connecticut General Statutes, when there is a written contract, agreement, or other specific information available to the individual which would clearly indicate to a reasonable person that such a direct benefit or detriment would accrue or when the language of the legislation, regulation or matter in question would so indicate.

(d) Under Section 1-85 of the Connecticut General Statutes, official action on legislation, or other state action, may affect more than one profession, occupation, or group. For example, legislation limiting all medical malpractice victims' rights to legal recovery could potentially affect the financial interests of at least three specific groups in addition to the victims): doctors, tort-attorneys and insurers providing medical malpractice coverage. Under these circumstances, each legislator/member of all three groups could take official action on the matter, notwithstanding the expectation of direct financial gain or loss, provided that each legislator was affected no differently than the other members of his or her specific group.

(e) A public official or state employee does not have a substantial conflict in violation of Section 1-85 of the Connecticut General Statutes, solely by virtue of the fact that the individual, his or her spouse, dependent child, or a business with

which he or she is associated derives a greater direct monetary benefit by reason of the individual's official action than one or more other affected persons, provided that the manner in which the benefit accrues is no different than the manner in which it accrues to others in the affected profession, occupation, or group. For example, a state employee serving as a member of the State Retirement Commission would not be precluded from voting on a change in pension rules that would result in a larger financial benefit to the employee than to most other affected state employees (either because the individual has a higher base salary or more years in state service than the average state employee) provided that the rule change in question applies equally to all those in the affected group.

(f) No public official or state employee shall be prohibited under Section 1-85 of the Connecticut General Statutes, from taking official action on any tax issue or benefit entitlement solely by virtue of the fact that the matter in question may apply different tax rates or entitlement qualifications to different groups or income levels.

(g) A public official or state employee who is prohibited from taking official action on a specific matter pursuant to Section 1-85 of the Connecticut General Statutes, shall not be barred from taking official action on a general matter into which the specific issue creating the substantial conflict has been incorporated, provided that the individual does not speak or otherwise provide comment on the specific issue during any debate, discussion or consideration of the general matter. For example, a legislator with a substantial conflict regarding a specific bonding or appropriations issue is not precluded under Section 1-85 from taking official action when the overall bonding package or budget comes before his or her committee or the General Assembly for consideration.

(h) A public official or state employee who has reason to believe that he or she may have a substantial conflict of interest under Section 1-85 of the Connecticut General Statutes, and Sections 1-81-28 subsections (a) through (g) of these regulations shall either abstain from taking official action on the matter as provided for in Section 1-85 or, prior to taking any such official action, seek guidance from the Citizen's Ethics Advisory Board, pursuant to Subdivision (3) of subsection (a) of Section 1-81 of the Connecticut General Statutes, to determine whether or not an actual substantial conflict exists.

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

Part 3 - Section 1-86, Connecticut General Statutes

Sec. 1-81-29. Subsection (a) of section 1-86 of the Connecticut General Statutes: procedure for avoiding a conflict of interest detailed

(a) Pursuant to Subsection (a) of Section 1-86 of the Connecticut General Statutes, whenever a public official or state employee, other than an elected official, is required to inform his or her immediate superior of a potential or substantial conflict of interest, the superior shall assign the matter in question to another who is not subordinate to the individual with the conflict.

(b) Pursuant to Subsection (a) of Section 1-86 of the Connecticut General Statutes, whenever a public official or state employee, other than an elected official, would otherwise be required to inform his or her immediate superior of a potential or substantial conflict of interest, but has no immediate superior, the official or employee shall notify the Office of State Ethics of the conflict in writing under penalty of false statement, on a form approved by the Board. Prior to taking action, such official or employee shall seek advice from the Office of State Ethics and take such steps as the Office of State Ethics shall prescribe or advise.

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

Sec. 1-81-30. Subsection (a) of section 1-86 of the Connecticut General Statutes: definitions

For purposes of Subsection (a) of Section 1-86 of the Connecticut General Statutes:

(a) An interest of a *de minimis*, i.e., insignificant, nature is an interest resulting in a financial gain or loss of less than one hundred dollars per person per year.

(b) A substantial segment of the general public is greater than one's profession, occupation, or group as those terms are used in Section 1-85 of the Connecticut General Statutes. Consistent with the commonly understood usage of the term, a substantial segment of the general public is a considerable or large part of the general public, e.g., all licensed drivers, all homeowners, all parents, etc.

(c) A member of a state regulatory agency is a member of any commission, board, council, authority or other similar body which is authorized by law to regulate, i.e., control, administer, or oversee, any profession, occupation, industry, activity, fund, endeavor or area of conduct.

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

**Article 8 - Post-State Employment Provisions
Sections 1-84a and 1-84b, Connecticut General Statutes**

Part 1 - Section 1-84a, Connecticut General Statutes

Sec. 1-81-31. Confidential information defined

Pursuant to Section 1-84a of the Connecticut General Statutes no former executive or legislative branch or quasi-public agency official or state employee shall disclose or use confidential information acquired in the course of and by reason of his or her official duties for the financial benefit of any person.

For the purposes of Section 1-84a, the term confidential information shall have the same meaning as when used in Subsection (b) and (c) of Section 1-84 of the Connecticut General Statutes. The term confidential information is defined in Sec. 1-81-15 of these regulations.

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

Part 2 - Section 1-84b, Connecticut General Statutes

Sec. 1-81-32. Subsection (a) of section 1-84b of the Connecticut General Statutes: substantial participation defined

Pursuant to Subsection (a) of Section 1-84b of the Connecticut General Statutes, no former executive branch or quasi-public agency public official or state employee shall represent anyone other than the State concerning any particular matter in which he or she participated personally and substantially while in state service, if the State has a substantial interest in the matter.

For the purposes of Subsection (a) of Section 1-84b, substantial participation in a particular matter shall be construed to mean participation that was direct, extensive and substantive, not peripheral, clerical or ministerial.

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

Sec. 1-81-33. Subsection (a) of section 1-84b of the Connecticut General Statutes: represent defined

For the purposes of Subsection (a) of Section 1-84b of the Connecticut General Statutes, represent shall be construed to include any action whatsoever regarding any particular matter, except that no former public official or state employee:

(a) Shall be prohibited from testifying on behalf of a party other than the State in any matter in any forum, if the individual has been properly subpoenaed to so testify and receives only statutory witness fees.

(b) Shall be prohibited from engaging in work that is technical in nature and that involves no matter at issue between the State, or any other party, and the entity that the individual is representing, e.g., work implementing a previously agreed upon contract between the private entity and the State.

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

Sec. 1-81-34. Subsection (a) of section 1-84b of the Connecticut General Statutes: prohibitions apply to individual, not employer

The prohibitions of Subsection (a) of Section 1-84b of the Connecticut General Statutes, apply to former executive branch and quasi-public agency officials and state employees. The provisions shall not be construed to prohibit the former official's or employee's private employer from engaging in any representation that the former official or employee could not undertake, provided that the former official or employee shall not receive any compensation or profit resulting from the representation.

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

Sec. 1-81-35. Subsection (a) of section 1-84b of the Connecticut General Statutes: substantial interest defined

For the purposes of Subsection (a) of Section 1-84b of the Connecticut General Statutes, the State shall be deemed to have a substantial interest in a matter whenever the finances, health, safety, or welfare of the State or one or more of its citizens will be substantively affected by the outcome.

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

Sec. 1-81-36. Subsection (b) of section 1-84b of the Connecticut General Statutes: provision stated, interpretations and applications to be found in Citizen's Ethics Advisory Board advisory opinions

Pursuant to Subsection (b) of Section 1-84b of the Connecticut General Statutes, no former executive branch or quasi-public agency public official or state employee shall, for one year after leaving state service, represent anyone, other than the State, for compensation before the department or agency in which he or she served at the time of termination of service, concerning any matter in which the State has a substantial interest.

Guidance as to the parameters of Subsection (b) of Section 1-84b of the Connecticut General Statutes, should be sought in Citizen's Ethics Advisory Board advisory opinions issued pursuant to Subdivision (3) of Subsection (a) of Section 1-81 of the Connecticut General Statutes and published in the Connecticut Law Journal.

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

Sec. 1-81-37. Subsections (c) and (d) of section 1-84b of the Connecticut General Statutes: subject positions identified

The positions designated pursuant to subsections (c) and (d) of Section 1-84b of the Connecticut General Statutes, are listed in sec. 1-92-40a and 1-92-40 of the Citizen's Ethics Advisory Board's regulations, respectively.

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

Sec. 1-81-38. Subsections (f) and (g) of section 1-84b of the Connecticut General Statutes: definitions provided

(a) For the purposes of subsections (f) and (g) of Section 1-84b of the Connecticut General Statutes, substantial participation shall be construed to mean participation that was direct, extensive and substantive, not peripheral, clerical or ministerial.

(b) For the purposes of subsections (f) and (g) of Section 1-84b of the Connecticut General Statutes, the term contract shall be deemed to include, but shall not be limited to, any contract implementing a state grant or award of fifty thousand dollars or more.

(c) Notwithstanding subsection (b) of this section, the provisions of subsections (f) and (g) of Section 1-84b of the Connecticut General Statutes, shall not be deemed to apply to any grant which is determined solely by statutory formula.

(d) For the purposes of subsections (f) and (g) of Section 1-84b employment shall include work as in independent contractor.

(e) For the purposes of Subsection (f) of Section 1-84b of the Connecticut General Statutes, the term resignation shall be construed according to its commonly understood meaning, i.e., the giving up of an office or position. Specifically, in keeping with the legislative intent of the subsection, resignation shall be interpreted to include all forms of separation from state service.

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

Sec. 1-81-39. Subsections (c), (d), (e), (f), and (g) of section 1-84b of the Connecticut General Statutes: employment defined

For the purposes of subsections (c), (d), (e), (f), and (g) of section 1-84b of the Connecticut General Statutes the definition of “employment” shall be construed to include any work or endeavor, whatever its form, undertaken in order to obtain financial gain (e.g., employee of a business, sole practitioner, independent contractor, etc.). The term shall not, however, include any endeavor undertaken only as a hobby or solely for charitable, educational, or public service purposes, when no compensation or other financial gain for the individual, his or her immediate family or a business with which the individual is associated is involved.

(Adopted effective June 24, 2009)

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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)

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License by Electronic Means**Secs. 1-264-1—1-264-99. Reserved****Sec. 1-264-100. Application for license by electronic means**

(a) For the purposes of this section, the term “commissioner” means the Commissioner of Consumer Protection, and the term “department” means the Department of Consumer Protection.

(b) Where permitted by the commissioner, an application for any license, permit or registration issued by the department pursuant to the general statutes may be filed by electronic means.

(c) In lieu of requiring a written signature on a license application, the department may allow the applicant to utilize a personal identification number provided by the department, or other unique personal electronic identifier acceptable to the department, on any application filed by electronic means. The electronic signature shall be included as part of the application at the time it is filed by the applicant.

(d) The department shall instruct the applicant, as part of the licensing process, concerning the procedures by which to file an application by electronic means utilizing an electronic signature.

(e) The signing of an application with a personal identification number, or other unique personal electronic identifier acceptable to the department, shall have the same legal effect and validity as a written signature executed by such person on a paper application that is filed with the department.

(Adopted effective October 30, 2000)