



STATE OF CONNECTICUT  
STATE ETHICS COMMISSION

ADVISORY OPINION NUMBER 83-1

Business Dealings Between the State and a Business  
With Which a Public Official is Associated

The spouse of a public official is president, a director, and the majority stockholder of a temporary personnel recruitment business. The public official has no direct financial interest in the business and holds no office in it. The company provides temporary clerical and health services personnel to clients who request them. Many other companies render similar services, provided at competitive prices.

The recruitment firm has received a request to supply temporary health services personnel to a State agency. The public official has asked the Ethics Commission to advise whether transactions between the company and the State are proper under the Code of Ethics for Public Officials, Chapter 10, Part I, General Statutes.

The business is certainly one with which the public official is "associated". It would be enough to meet the definition if his spouse were only the president, a director, or the majority shareholder. Subsection 1-79(a), General Statutes. She is all three.

It is assumed that the public official will take no official actions favoring his spouse's business, and will not use any confidential information he has gained incident to his State service for the benefit of the business. See subsection 1-84(c), *id.* The only provision of the Code of Ethics for Public Officials which then would apply to the situation presented is the one regarding contracts with the State. "No public official...or member of his immediate family or a business with which he is associated shall enter into any contract with the state, valued at one hundred dollars or more, other than a contract of employment as a state employee..., unless the contract has been awarded through an open and public process, including prior public offer and subsequent public disclosure of all proposals considered and the contract awarded." Under the circumstances here, "prior public offer and subsequent public disclosure of all proposals considered" means

(Over)

Phone: (203) 566-4472

30 Trinity Street • Hartford, Connecticut 06115

*An Equal Opportunity Employer*

that the contract to furnish the temporary personnel must be reached through competitive bidding procedures. It is not enough that the services be provided at a competitive price. There must be a public offer to all qualified recruitment firms. The business with which the public official is associated then could be awarded the contract provided that all the proposals received were made public, so that the basis of the selection could be ascertained.

It should be noted that subsection 1-84(i)'s exception for a contract of employment as a State employee does not apply to this situation. That phrase contemplates a contract between the State and an individual for the individual's services, not a contract between the State and a business for the business to supply temporary employees to the State.

By order of the Commission,

Lucille E. Brown  
Lucille E. Brown, Chairperson

Dated 7 January 1983