

ORDINANCE
PROVIDING FOR A CODE OF ETHICS
TOWN OF BURLINGTON

EFFECTIVE DATE NOVEMBER 18, 1999

SECTION 1 - STATEMENT OF PURPOSE -DECLARATION OF POLICY

Public Office Requires Public Trust

It is the declared policy of the Town of Burlington that Town office or employment not be used for personal gain and; that the residents have complete and well founded confidence in the integrity of its government. To successfully operate a democratic form of government, Town officers, employees and agents must be independent, impartial and accountable to the people within the Town. This Code of Ethics is designed to assure that the Town maintains that confidence in the town legislative, executive, ministerial and administrative processes and in the individuals who are performing public duties.

SECTION 2 - UNACCEPTABLE BEHAVIOR

A. Personal Gain

Town officers, employees and agents shall not abuse their office, appointment, employment or special knowledge of Town affairs to procure contracts or to in any other way influence or obtain financial gain for themselves or others.

B. Preferential Treatment

Town officers, employees and agents shall not grant consideration, treatment or advantage to any person beyond that which is available to every other citizen.

C. Coercion

Town officers, employees and agents shall refrain from attempting to coerce anyone concerning the awarding of contracts; the granting of approvals by any Town board, commission, or Town department; political gain or appointment to or promotion in service with the Town.

SECTION 3- REQUIREMENTS

A. Disclosure of Interest

Any Town officer, employee, or agent having a financial, business or personal interest or financial gain in or from any matter to be acted upon or coming before the office, board or commission of which he or she is a member, or to an individual over whom the Town officer, employee or agent has supervision or rank, shall make disclosure that an interest exists and shall recuse themselves. The disclosure shall be incorporated in the minutes of the particular board or commission or memorialized in the records of the office. Such person shall be disqualified to act in any way upon such matter.

B. Forbearance from Solicitation of Gifts

Town officers, employees or agents having the power or duty to perform an official act or action related to a contract, transaction, board or commission decision or other matter which is or may be the subject of an official act or action of the Town, shall refrain from soliciting, accepting or granting a present or future gift, favor, service, or thing of monetary value from or to a person involved in such contract, transaction, decision or other matter.

The aforementioned prohibition against gifts or favors shall not apply to:

1. an occasional non-pecuniary gift with a value of less than \$50.00 or,
2. a non-pecuniary award presented in recognition of Town service.

C. Use of Position to Effect Results

Town officers, employees or agents shall refrain from coercing or attempting to coerce anyone concerning the awarding of contracts with the Town, the deciding of applications, petitions or other requests before any board, or commission or department of the Town, or other Town business.

D. Dissemination of Information

Town officials, employees and agents shall not disseminate information to another person for personal advantage, financial gains, career advancement or political advantage.

E. Confidential Information

Town officials, employees and agents shall not disclose confidential information concerning the property, government, or affairs of the Town, or use such information to advance the financial or other private interest of any other Town officer, employee or agent or anyone else.

It is understood that requests for public information shall be disclosed or withheld in accordance with the Freedom of Information Act. Town officials, employees or agents shall not use their office, appointment or employment for the purpose of interfering with or affecting the outcome of an election or to solicit from other employees for political purposes. Bumper stickers may be displayed on private vehicles parked in employee parking areas of Town Hall, but Campaign materials may not be displayed on Town vehicles or Town property except on Election Day on roadsides.

G. Distribution of Ethic Commission Ordinance

The Town Clerk shall distribute a copy of this Code of Ethics to every Town officer, employee or agent after enactment of this ordinance. Thereafter, each new Town officer, employee or agent elected, appointed or hired thereafter shall be furnished with a copy of this ordinance at or before the time of hire or retention assuming the duties of the office or position to which he/she is assigned.

H. Statutory Conflict - Elected Municipal Official

Notwithstanding the provisions of any special act, the charter or other ordinance to the contrary, an elected municipal official of Burlington has an interest which is in substantial conflict with the proper discharge of his duties or employment in the public interest and of his responsibilities as prescribed by the laws of this state if he has reason to believe or expect that he, his spouse, a dependent child, or a business with which he is associated, as defined in C. G.S. Section 1-79 (attached), will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his official activity. Any such elected municipal official does not have an interest which is in substantial conflict with the proper discharge of his duties in the public interest and of his responsibilities as prescribed by the laws of this state if any benefit or detriment accrues to him, his spouse, a dependent child, or a business with which he, his spouse or such dependent child is associated as a member of a profession, occupation or group to no greater extent than to any other member of such profession, occupation or group. Any such elected municipal official who has a substantial conflict may not take official action on the matter.

SECTION 4 - ETHICS COMMISSION

A. Duties and Composition

1. There shall be created a Commission, which shall have the duties and powers:
to hear complaints and rule upon the appropriate disposition of this Ordinance;
to enforce the provisions of this Ordinance including the prosecution and of hearing complaints on violations hereof; to give non-binding advice to the Board of Selectmen (hereafter "Board") or other town officers and employees on ethical questions; and to give non-binding recommendations to the Board and Town Counsel on new and existing policies on ethics.
2. Members: There shall be 6 members consisting of no more than two (2) nor less than one (1) individual registered Democratic, Republican and unaffiliated respectively. Commission members shall annually elect their own Chairperson, Vice Chairperson and Secretary
3. Alternates: There shall be 3 alternates, appointed by the Board, one (1) each registered Democratic, Republican and unaffiliated, for a term of four years. Alternates may serve in the place of an absent regular Commission member, first choice to be a member of the same political affiliation. Alternatives should not vote unless seated for a regular member.
4. Appointment of members and alternates:
Eligibility
 - a. No member of the Commission shall hold or campaign for any Town office, be a Town official, or be the Chairman or Vice Chairman of a political town committee.

- b. A member of the Commission who, within the last three years immediately prior to receipt of a complaint, shall have held public office or have been a candidate for public office for the board or commission or department involved in the complaint, shall not participate in the investigation of that complaint.
5. Vacancy: Any vacancy on the Commission shall be filled for the unexpired portion of the term by appointment by the Board. An individual appointed to fill a vacancy shall be eligible for appointment thereafter. Appointments shall be made utilizing persons of the same or similar political affiliation so as to continue the composition as above.
6. Terms: Commission members will be appointed to a term of four years, to be staggered as follows:
 - a. Of the first commissioners appointed, 2 shall serve for four years, 2 for a term of three years, 2 for a term of two years. Thereafter, each Commissioner shall serve for a term of four years.
 - b. Commission members shall serve no more than two full consecutive terms, a maximum of eight years.
7. Quorum: A quorum shall consist of 5 regular members or alternates seated for regular members. No action shall be taken in the absence of a quorum.
8. Compensation: There shall be no salary paid to any commission member or alternate serving on the Commission.
9. Meetings: The Commission shall meet within 15 (fifteen)-business days after establishment, after receipt of a written complaint, or otherwise as needed, upon the call of the chairman.
10. Legal Counsel:
 - a. The Town Counsel shall serve and advise the Commission only. Where the Town Counsel has a conflict of interest, an independent attorney shall be appointed by the Board to serve as legal counsel to the Commission for the duration of that complaint.
11. Advisory Opinions
 - a. Where any Town officer, employee or agent has a question as to the applicability of any provision of this Ordinance to a particular situation, or as to the definition of terms used herein, that individual may apply to the Commission for a written Advisory Opinion. The individual shall be given an opportunity to present his or her interpretation of the facts at issue and of the applicability of provisions of this Ordinance before such Advisory Opinion is rendered. The Commission may seek the advice and assistance of the Town Counsel as necessary. The Commission shall issue a written Advisory Opinion, but shall not name the individual who requested the opinion and cause it to be circulated to town departments, boards and commissions.
 - b. The individual(s) who sought the Advisory Opinion and acted on it in good faith and any other Town officer(s), employee(s) or agents who, having obtained a copy thereof acted on the Advisory Opinion in good faith and in comparable

factual circumstances, shall not be determined to have violated this ordinance. The Commission may, at anytime, modify or revoke an Advisory Opinion. In such event, it shall provide written notice of its action by posting the decision in the Office of the Town Clerk and circulating the decision in all departments, boards and commissions of the Town. No person shall follow or rely on an Advisory Opinion after the date of its modification, amendment or revocation.

In the event that a Town employee, official or appointee determines that he or she faces a situation in which some action or non-action by that individual will effect the Town and that individual believes that he or she may have a conflict or apparent conflict and time is of the essence, that individual may obtain from the chairman of the Commission a written temporary advisory opinion. Reliance thereon shall mean that that individual shall not be found to have violated this Ordinance. The Commission shall be convened within 15 days and shall review the facts and circumstances of the temporary advisory opinion and shall either ratify or modify that opinion. Upon the action of the Commission, the temporary opinion as ratified or modified, shall be issued by the Commission as an Advisory Opinion.

SECTION 5 - COMPLAINTS

A. CONFIDENTIAL PHASE

During Phases A. and B. - The provisions of subsections (a) to (e), inclusive, of C.G.S. Section 1-82a as amended (attached hereto) shall apply to allegations before any such agency of such conduct, influence or activities, to an investigation of such allegations conducted prior to a probable cause finding, and to a finding of probable cause or no probable cause. Any Town officer, employee or agent involved in or learning of a complaint whether against him/herself or another shall treat such information as confidential. The Complainant and Respondent shall also treat the complaint and the processes in Phases A. and B. as confidential.

Phase A.- Initial Determination:

1. Complaints: Upon receipt of a written complaint from any person on a form prescribed by the Commission, signed under penalty of false statement, the Commission shall notify the Complainant and the Respondent by registered or certified mail, of the receipt of the complaint. The Commission shall then meet to determine if there is sufficient evidence to warrant an investigation. If the Commission, by a vote of no fewer than 4 members determines that the complaint does not warrant an investigation, the complaint shall be dismissed and notice of dismissal shall be mailed, Registered or Certified mail, to the Complainant and the Respondent.
2. Timetable:
 - a. Notice of Receipt—mail within 5 business days of Receipt.
 - b. Initial Meeting - within 15 business days of receipt of complaint. There may be one continued meeting provided it occurs within 15 business days of Initial Meeting.
 - c. Vote at or before the adjournment of the initial or continued meeting.
 - d. Notice of Dismissal - mail within 5 business days of vote.

Phase B. - Probable Cause - Investigation

1. If the Commission in Phase A does not dismiss the complaint, the Commission shall notify the Complainant and any Respondent against whom such complaint is made by Registered or Certified mail. A copy of such complaint shall accompany such notice. The Commission shall have the power to hold hearings, administer oaths, examine witnesses, receive oral and documentary evidence and to subpoena witnesses to compel attendance and to require the production of any books, documents and electronic data in whatever form which the Commission deems relevant.

In the event of a hearing during the investigation, the Complainant and the Respondent shall have the following rights:

- a. to appear before the Commission and be heard;
- b. to be represented by legal counsel; and,
- c. to examine and cross-examine witnesses.

Additionally, the Respondent shall, at least seven (7) days prior to the commencement of any hearing herein, be provided with a list of the Commission's intended witnesses.

The Commission shall conclude its investigation and shall thereupon vote on the question of whether there exists probable cause to believe the respondent is in violation of the Ordinance. If the Commission, by a vote of no less than 4 members, determines that probable cause exists to believe the respondent is in violation of any provision of this Ordinance, the Complainant and Respondent shall be notified of the findings and a summary of the reasons in writing, by Registered or Certified mail. In the event probable cause is not found, the Complainant and Respondent shall be so notified by Registered or Certified mail.

2. Timetable:
 - a. Notice of Decision to Investigate - mail within 5 business days of Vote required in Phase A.
 - b. Initial Investigative meeting - within 15 business days of date of mailing of Decision to Investigate. There may be one or more continuances for the investigation meeting, provided that the required vote herein above taken no later than 45 days from the date of the Initial Investigative meeting.
 - c. Vote at or before the 45th day from the date of the Initial Investigative meeting.
 - d. Notice of No Probable Cause mail within 5 business days of the probable cause vote.

B. PUBLIC PHASE

Phase C. - Adjudication of Violation

1. If after its investigation in Phase B above the Commission finds that probable cause of a violation exists: (a) it shall notify the Complainant and the Respondent by Certified or Registered mail; and b) the entire record of the investigation shall

be made available to the public. The Commission shall thereupon convene to determine whether there has been a violation of this Ordinance. The Commission shall have the same powers as specified in Phase B. The Complainant and the Respondent shall have the rights specified in Phase B plus either or both may request that the Commission compel by subpoena attendance of witnesses and production of books, documents, records and papers as may reasonably be required, which request(s) shall be honored unless deemed unreasonable by the Commission

The Commission shall make a stenographic or tape recorded record of all proceedings pursuant to this Phase.

The Commission shall conclude its deliberation and thereupon vote on the question of whether the respondent is in violation of any provision of this Ordinance. A vote of no less than 4 members is required. If the Commission fails to find that the Respondent has violated this Ordinance, the Commission shall dismiss the complaint. Regardless of the decision, the Commission shall notify the Complainant and Respondent of its decision by Certified or Registered mail.

2. Timetables:

- a. Notice of Probable Cause - mail within 5 business days of the date of the Vote in Phase B.
- b. Record of Investigation - deliver to Town Clerk for public review within 5 business days of Vote in Phase B.
- c. Initial meeting within 15 business days of date of mailing of Notice of Probable Cause. There may be one or more continuances upon the Commission's or the partners' request, provided that the required conclusion of deliberation and/or Vote herein above be taken no later than 60 days from the date of the Initial meeting held pursuant to Phase A.
- d. Vote - at or before the 60th day from the date of the Initial meeting of this Phase.
- e. Notice of Decision mail within 5 business days of the Vote in Phase C.

C. APPEAL

The Respondent if aggrieved by the finding and decision may appeal therefrom to the Superior Court in accordance with the provisions of C.G.S. Section 4-183. (attached)

D. BIAS OR LACK OF FOUNDATION

1. If any complaint brought under the provisions of this ordinance is made with the knowledge that it is made without foundation in fact, the respondent shall have a cause of action against the complainant who signed the written complaint for damages caused thereby and if the respondent prevails in such action, he or she may be awarded by the court the costs of such action together with reasonable attorney fees, reached in the decision for damages caused thereby. If the Town officer, employee or agent prevails, he or she may be awarded the costs of such action together with reasonable attorney fees.

2. If a decision reached by the Commission is found by a court of law to have been reached with deliberate bias or without foundation in fact, the town officer, employee or agent against which the decision was made shall have cause of action against the Commission members who reached the decision for damages caused thereby. If the Town officer, employee or agent prevails, he or she may be awarded by the court the costs of such action together with reasonable attorney fees.

E. COMPLAINTS - Limitation Period

Complaints must be made under this section within one year from the date the alleged violation is discovered but in no event, longer than two years after the violation alleged in the complaint has been committed.

SECTION 6 - PENALTIES

- A. Any Town officer, employee or agent found by the Commission to have willfully and knowingly violated any of the provisions of this Ordinance shall be guilty of a misdemeanor, punishable by a monetary fine of not less than ten (10) nor more than one hundred dollars. Any such penalties may be enforced by citation issued by the First Selectman or by the Board of Selectmen in the event the penalty is imposed on the First Selectman, provided that not less than five (5) days prior to the issuance of a citation, a written notice, specifying the specific violation and penalty is sent to the Respondent by certified, return receipt mail.
- B. Upon finding a respondent in violation of the ordinance, the Commission shall within five business days of the post probable cause hearing advise the Board to the Commission's finding and its recommended disciplinary action. In the case of a town employee, the Commission shall be consistent in its recommendations with all personnel rules and regulations, and all bargaining unit agreements.

SECTION 7 - DEFINITIONS

Board

Means the Board of Selectmen

Board or Commission

For the purposes of this ordinance, the term shall include Town board, commission, agency, committee or any other body elected or appointed, whether permanent or ad hoc, which can conduct Town business, the Board and/or the Commission, where appropriate.

Business

Means any entity through which business for profit or not for profit is conducted including a corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, or self-employed individual.

Business interest

Means a business of which the person or a member of his immediate family is a director, officer, owner, employee, compensated agent, or holder of stock which constitutes five percent or more of the total outstanding stock of any class.

Commission

Means the Ethics Commission.

Confidential information

Means information, whether transmitted orally or in writing, which is obtained by reason of the public position or office held and is of such nature that it is not, at the time of transmission, a matter of public record or public knowledge.

Financial Gain

Means the expectation, whether or not realized, of money, goods, materials, services and/or gifts of any value.

Financial interest

Means any interest with a monetary value of \$1000.00 or more which generates a financial gain or loss of \$1000.00 or more in a calendar year.

Immediate Family

Means any parent, spouse, children or dependent residing in the individual's household.

Person

An individual, corporation, company, business, firm, partnership or similar business entity.

Personal interest

Means an interest in any action taken by the municipality in which an individual will derive a non-financial benefit or detriment but which will result in the expenditure of municipal funds.

Political Gain

Enhancement or attainment of political position or office or higher political office in the Town.

Receipt

Means the next business day after physical delivery to the Town Clerk of a written Complaint addressed to the Ethics Commission, whether by personal delivery or by U.S. Postal delivery.

SECTION 8 - EFFECTIVE DATE

This Ordinance shall be effective 15 days after publication.

SECTION 9- MISCELLANEOUS

1) Statutory Authority and Basis - This Ordinance is created under the authority of C.G.S. Section 7-148h and as amended (attached). Any provision which is contrary to or outside the authority granted therein or in any other statute or by common law shall be deemed deleted. The remaining provision shall remain in full force and effect.

Sec. 1-64. Uniform interpretation. This chapter shall be so interpreted as to make uniform the laws of those states which enact it.

(1969, P.A. 270, S. 8.)

Sec. 1-65. Short title: Uniform Recognition of Acknowledgments Act. This chapter may be cited as the "Uniform Recognition of Acknowledgments Act".

(1969, P.A. 270, S. 9.)

CHAPTER 9*

CODE OF ETHICS

*See chapter 10.

Sec. 1-66. Transferred to Chapter 10, Sec. 1-84.

Sec. 1-67. General Assembly member not to act on legislation in which he has interest. Section 1-67 is repealed.

(1971, P.A. 822, S. 2; P.A. 77-600, S. 13, 15.)

Sec. 1-68. Transferred to Chapter 10, Sec. 1-85.

Secs. 1-69 to 1-78. Joint legislative ethics committee. Sections 1-69 to 1-78, inclusive, are repealed.

(1971, P.A. 822, S. 4-13; P.A. 77-600, S. 13, 15; 77-605, S. 20, 21.)

CHAPTER 10*

CODES OF ETHICS

*Cited. 39 CS 99.

PART I*

CODE OF ETHICS FOR PUBLIC OFFICIALS

*Code of ethics for public officials, Secs. 1-79-1-89 cited. 18 CA 212, 213.

Sec. 1-79. Definitions. The following terms, when used in this part, shall have the following meanings unless the context otherwise requires:

(a) "Blind trust" means a trust established by a public official or state employee or member of his immediate family for the purpose of divestiture of all control and knowledge of assets.

(b) "Business with which he is associated" means any sole proprietorship, partnership, firm, corporation, trust or other entity through which business for profit or not for profit is conducted in which the public official or state employee or member of his

immediate family is a director, officer, owner, limited or general partner, beneficiary of a trust or holder of stock constituting five per cent or more of the total outstanding stock of any class, provided, a public official or state employee, or member of his immediate family, shall not be deemed to be associated with a not for profit entity solely by virtue of the fact that the public official or state employee or member of his immediate family is an unpaid director or officer of the not for profit entity. "Officer" refers only to the president, executive or senior vice president or treasurer of such business.

(c) "Candidate for public office" means any individual who has filed a declaration of candidacy or a petition to appear on the ballot for election as a public official, or who has raised or expended money in furtherance of such candidacy, or who has been nominated for appointment to serve as a public official, but shall not include a candidate for the office of senator or representative in Congress.

(d) "Commission" means the State Ethics Commission established in section 1-80.

(e) "Gift" means anything of value, which is directly and personally received, unless consideration of equal or greater value is given in return. "Gift" shall not include:

(1) A political contribution otherwise reported as required by law or a donation or payment as described in subdivision (9) or (10) of subsection (b) of section 9-333b;

(2) Services provided by persons volunteering their time;

(3) A commercially reasonable loan made on terms not more favorable than loans made in the ordinary course of business;

(4) A gift received from (A) an individual's spouse, fiance or fiancée, (B) the parent, brother or sister of such spouse or such individual, or (C) the child of such individual or the spouse of such child;

(5) Goods or services (A) which are provided to the state (i) for use on state property, or (ii) to support an event or the participation by a public official or state employee at an event, and (B) which facilitate state action or functions. As used in this subdivision, "state property" means (i) property owned by the state, or (ii) property leased to an agency in the Executive or Judicial Department of the state;

(6) A certificate, plaque or other ceremonial award costing less than one hundred dollars;

(7) A rebate, discount or promotional item available to the general public;

(8) Printed or recorded informational material germane to state action or functions;

(9) Food or beverage or both, costing less than fifty dollars in the aggregate per recipient in a calendar year, and consumed on an occasion or occasions at which the person paying, directly or indirectly, for the food or beverage, or his representative, is in attendance;

(10) Food or beverage or both, costing less than fifty dollars per person and consumed at a publicly noticed legislative reception to which all members of the General Assembly are invited and which is hosted not more than once in any calendar year by a lobbyist or business organization. For the purposes of such limit, (A) a reception hosted by a lobbyist who is an individual shall be deemed to have also been hosted by the business organization which he owns or is employed by and (B) a reception hosted by a business organization shall be deemed to have also been hosted by all owners and

employees of the business organization who are lobbyists. In making the calculation for the purposes of such fifty-dollar limit, the donor shall divide the amount spent on food and beverage by the number of persons whom the donor reasonably expects to attend the reception;

(11) Food or beverage or both, costing less than fifty dollars per person and consumed at a publicly noticed reception to which all members of the General Assembly from a region of the state are invited and which is hosted not more than once in any calendar year by a lobbyist or business organization. For the purposes of such limit, (A) a reception hosted by a lobbyist who is an individual shall be deemed to have also been hosted by the business organization which he owns or is employed by, and (B) a reception hosted by a business organization shall be deemed to have also been hosted by all owners and employees of the business organization who are lobbyists. In making the calculation for the purposes of such fifty-dollar limit, the donor shall divide the amount spent on food and beverage by the number of persons whom the donor reasonably expects to attend the reception. As used in this subdivision, "region of the state" means the established geographic service area of the organization hosting the reception;

(12) A gift, including but not limited to, food or beverage or both, provided by an individual for the celebration of a major life event;

(13) Gifts costing less than one hundred dollars in the aggregate or food or beverage provided at a hospitality suite at a meeting or conference of an interstate legislative association, by a person who is not a registrant or is not doing business with the state of Connecticut;

(14) Admission to a charitable or civic event, including food and beverage provided at such event, but excluding lodging or travel expenses, at which a public official or state employee participates in his official capacity, provided such admission is provided by the primary sponsoring entity;

(15) Anything of value provided by an employer of (A) a public official, (B) a state employee, or (C) a spouse of a public official or state employee, to such official, employee or spouse, provided such benefits are customarily and ordinarily provided to others in similar circumstances; or

(16) Anything having a value of not more than ten dollars, provided the aggregate value of all things provided by a donor to a recipient under this subdivision in any calendar year shall not exceed fifty dollars.

(f) "Immediate family" means any spouse, children or dependent relatives who reside in the individual's household.

(g) "Individual" means a natural person.

(h) "Member of an advisory board" means any individual (1) appointed by a public official as an advisor or consultant or member of a committee, commission or council established to advise, recommend or consult with a public official or branch of government or committee thereof, (2) who receives no public funds other than per diem payments or reimbursement for his actual and necessary expenses incurred in the performance of his official duties and (3) who has no authority to expend any public funds or to exercise the power of the state.

(i) "Person" means an individual, sole proprietorship, trust, corporation, limited liability company, union, association, firm, partnership, committee, club or other organization or group of persons.

(j) "Political contribution" has the same meaning as in section 9-333b except that for purposes of this part, the provisions of subsection (b) of that section shall not apply.

(k) "Public official" means any state-wide elected officer, any member or member-elect of the General Assembly, any person appointed to any office of the legislative, judicial or executive branch of state government by the Governor, with or without the advice and consent of the General Assembly, any sheriff or deputy sheriff, any person appointed or elected by the General Assembly or by any member of either house thereof, and any member or director of a quasi-public agency, but shall not include a member of an advisory board, a judge of any court either elected or appointed or a senator or representative in Congress.

(l) "Quasi-public agency" means the Connecticut Development Authority, Connecticut Innovations, Incorporated, Connecticut Health and Education Facilities Authority, Connecticut Higher Education Supplemental Loan Authority, Connecticut Housing Finance Authority, Connecticut Housing Authority, Connecticut Resources Recovery Authority, Connecticut Hazardous Waste Management Service, Lower Fairfield County Convention Center Authority, Capital City Economic Development Authority and Connecticut Coastline Port Authority.

(m) "State employee" means any employee in the executive, legislative or judicial branch of state government, whether in the classified or unclassified service and whether full or part-time, and any employee of a quasi-public agency, but shall not include a judge of any court, either elected or appointed.

(n) "Trust" means a trust in which any public official or state employee or member of his immediate family has a present or future interest which exceeds ten per cent of the value of the trust or exceeds fifty thousand dollars, whichever is less, but shall not include blind trusts.

(o) "Business organization" means a sole proprietorship, corporation, limited liability company, association, firm or partnership, other than a client lobbyist, which is owned by, or employs, one or more individual lobbyists.

(p) "Client lobbyist" means a person on behalf of whom lobbying takes place and who makes expenditures for lobbying and in furtherance of lobbying.

(q) "Necessary expenses" means a public official's or state employee's expenses for an article, appearance or speech or for participation at an event, in his official capacity, which shall be limited to 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.

(r) "Lobbyist" and "registrant" shall be construed as defined in section 1-91.

(P.A. 77-600, S. 1, 15; 77-605, S. 14, 21; P.A. 79-493, S. 1, 9; P.A. 81-395, S. 6, 9; P.A. 82-423, S. 1, 8; P.A. 83-249, S. 1, 14; P.A. 84-335, S. 1, 4; P.A. 86-99, S. 29, 34; P.A. 88-139, S. 1; 88-225, S. 1, 14; P.A. 89-245, S. 1; 89-360, S. 8, 45; 89-369, S. 1; June Sp. Sess. P.A. 91-8, S. 54, 63; June 12 Sp. Sess. P.A. 91-1, S. 1, 20, 22; P.A. 92-149, S. 7, 12; P.A. 93-413, S. 13, 16; P.A. 95-79, S. 3, 4, 189; June 18 Sp. Sess. P.A. 97-5, S. 17, 19; June 18 Sp. Sess. P.A. 97-6, S. 1, 14; P.A. 98-179, S. 13, 30.)

History: P.A. 77-605 redefined "political contribution"; P.A. 79-493 redefined "candidate for public office", "gift", "immediate family", "member of an advisory board" and "public official" and included treasurers as officers of businesses in Subdiv. (a); P.A. 81-395 substituted reference to Sec. 9-335(18) for reference to Sec. 9-348q(a) in Subdiv. (i); P.A. 82-423 amended Subdiv. (d) to change food and beverage exception from under twenty-five dollars to under fifty dollars; P.A. 83-249 amended Subdiv. (i) to broaden the definition of "political contribution"; P.A. 84-335 amended Subdiv. (j) to include sheriffs and deputy sheriffs in definition of "public official"; P.A. 86-99 amended definition of "political contribution" to reflect technical changes made in chapter 150; P.A. 88-139 added definitions of "blind trust" and "trust", redefined "business with which he is associated" to include references to sole proprietorships, firms, corporations, trusts

(P.A. 77-600, S. 4, 15; 77-605, S. 16, 21; 77-614, S. 486, 587, 610; P.A. 78-303, S. 85, 136; P.A. 79-493, S. 4, 9; P.A. 81-296, S. 1; P.A. 83-249, S. 5, 14; 83-586, S. 2, 14; June Sp. Sess. P.A. 83-15, S. 1, 2; P.A. 84-52, S. 1; 84-519, S. 1; P.A. 85-290, S. 1; June 12 Sp. Sess. P.A. 91-1, S. 14; P.A. 92-29, S. 1; P.A. 94-132, S. 1; P.A. 96-37, S. 1.)

History: P.A. 77-605 removed subpoena power and permission to use services of state police from investigation process in Subsec. (a) and placed these provisions in Subsec. (c) under the hearing process; P.A. 77-614 and P.A. 78-303 placed the state police within the department of public safety, effective January 1, 1979; P.A. 79-493 required concurring vote of four members for finding of probable cause; P.A. 81-296 added Subsec. (e) establishing a three-year time limit for complaints; P.A. 83-249 made technical change in Subsec. (a); P.A. 83-586 amended Subsec. (b) by adding provisions concerning publication of commission findings and confidentiality of record; June Sp. Sess. P.A. 83-15 amended Subsec. (d) to provide for state reimbursement of legal expenses of respondent in some instances; P.A. 84-52 eliminated provisions re confidentiality of investigations and publication of findings; P.A. 84-519 amended section to grant subpoena power to commission at all stages of investigation, to require commission to meet prior to commencing investigation and to exempt such meetings from the freedom of information act, and deleted provision authorizing commission witnesses to be paid witness fees awarded court witnesses; P.A. 85-290 amended Subsec. (a) to require that commission notify persons under evaluation within five business days after a commission staff member's first contact with a third party concerning the matter; June 12 Sp. Sess. P.A. 91-1 amended Subsecs. (b) and (c) to require trial referee or senior judge, instead of commission, to make determinations re violations; P.A. 92-29 amended Subsecs. (b) and (c) by eliminating references to senior judges; P.A. 94-132 amended Subdiv. (1) of Subsec. (a) by deleting provisions re meeting to determine whether sufficient evidence exists to warrant inquiry, changing notice deadline from five days after meeting to five days after receipt or issuance of complaint, and making technical grammatical changes, amended Subdiv. (2) of Subsec. (a) by adding "of an alleged violation of this part" after "investigation", deleting provision re deadline for adoption of regulations, and adding provisions re record of proceedings and list of intended witnesses, amended Subsec. (b) by specifying trial referee has no vote in commission decision, adding "of the commission held" after "all hearings" giving commission, rather than trial referee, the same powers as under Subsec. (a), adding provisions re list of intended witnesses and vote required for finding of violation, changing publisher of finding and memorandum from trial referee to commission, and deleting provision re commission aggrieved by finding and memorandum, amended Subsec. (c) by deleting provision re trial referee overturning finding by commission, changing finding that may be overturned by court from one of trial referee to one of commission, and making technical changes, and added new Subsec. (e) re individuals who disclose information to commission; P.A. 96-37 amended Subsec. (b) by changing "state trial referee" to "judge trial referee".

Cited. 222 C. 799, 815. Cited. 224 C. 29, 37.

Sec. 1-82a. Confidentiality of complaints, evaluations of possible violations and investigations. Publication of findings. (a) Unless the commission makes a finding of probable cause, a complaint alleging a violation of this part shall be confidential except upon the request of the respondent. A commission evaluation of a possible violation of this part prior to the filing of a complaint by the commission shall be confidential except upon the request of the subject of the evaluation. If the evaluation is confidential, any information supplied to or received from the commission shall not be disclosed to any third party by a subject of the evaluation, a person contacted for the purpose of obtaining information or by a commission or staff member. No provision of this subsection shall prevent the Ethics Commission from reporting the possible commission of a crime to the Chief State's Attorney or other prosecutorial authority.

(b) An investigation conducted prior to a probable cause finding shall be confidential except upon the request of the respondent. If the investigation is confidential, the allegations in the complaint and any information supplied to or received from the commission shall not be disclosed during the investigation to any third party by a complainant, respondent, witness, designated party, or commission or staff member.

(c) Not later than three business days after the termination of the investigation, the commission shall inform the complainant and the respondent of its finding and provide them a summary of its reasons for making that finding. The commission shall publish its finding upon the respondent's request and may also publish a summary of its reasons for making such finding.

(d) If the commission makes a finding of no probable cause, the complaint and the record of its investigation shall remain confidential, except upon the 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 commission or staff member shall disclose to any third party any information learned from the investigation,

(c) The agency may, without further proceedings, modify a final decision to correct any clerical error. A person may appeal that modification under the provisions of section 4-183 or, if an appeal is pending when the modification is made, may amend the appeal.

(P.A. 88-317, S. 21, 107; P.A. 89-174, S. 4, 7.)

History: P.A. 88-317 effective July 1, 1989, and applicable to all agency proceedings commencing on or after that date; P.A. 89-174 renumbered Subdivs. in Subsec. (a) to add Subdiv. (2) authorizing agency to reconsider final decision on its own initiative, amended Subsec. (b) by substituting "final decision" for "order" and made minor changes in wording throughout section.

Cited. 232 C. 181, 185, 191. Cited. 234 C. 411, 412, 420-423. Cited. 235 C. 128, 135. Cited. 238 C. 361. Cited. 239 C. 32.

Cited. 30 CA 738, 739.

Subsec. (a):

Subdiv. (1) cited. 232 C. 181, 191; 234 C. 411, 421. Cited. 238 C. 361.

Cited. 37 CA 653, 669, 670; judgment reversed, see 238 C. 361 et seq.

Subsec. (b):

Cited. 227 C. 545, 556, 559. Cited. 236 C. 722, 730. Proceeding on plaintiff's motions under the section did not give rise to a contested case within meaning of Uniform Administrative Procedure Act; therefore denial of plaintiff's motions was not appealable to the Superior Court; judgment of Appellate Court in *Fairfield v. Connecticut Siting Council* 37 CA 653 et seq. reversed. 238 C. 361.

Cited. 37 CA 653, 654, 656-659, 662, 664-668, 670; judgment reversed, see 238 C. 361 et seq.

Subsec. (c):

Cited. 37 CA 653, 670; judgment reversed, see 238 C. 361 et seq.

Sec. 4-182. Matters involving licenses. (a) When the grant, denial or renewal of a license is required to be preceded by notice and opportunity for hearing, the provisions of this chapter concerning contested cases apply.

(b) When a licensee has made timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, the existing license shall not expire until the application has been finally determined by the agency, and, in case the application is denied or the terms of the new license limited, until the last day for seeking review of the agency order or a later date fixed by order of the reviewing court.

(c) No revocation, suspension, annulment or withdrawal of any license is lawful unless, prior to the institution of agency proceedings, the agency gave notice by mail to the licensee of facts or conduct which warrant the intended action, and the licensee was given an opportunity to show compliance with all lawful requirements for the retention of the license. If the agency finds that public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

(1971, P.A. 854, S. 17.)

Cited. 171 C. 691, 695. Cited. 172 C. 263. Cited. 173 C. 462, 465. Cited. 186 C. 153, 156. Cited. 191 C. 173, 175. Cited. 207 C. 77, 84; Id., 698, 702. Cited. 213 C. 184, 185, 212, 215. Cited. 239 C. 32.

Cited. 1 CA 1, 2. Cited. 9 CA 622, 625, 627. Cited. 27 CA 495, 496; judgment reversed, see 225 C. 499 et seq.

Subsec. (a):

Cited. 211 C. 508, 534. Cited. 213 C. 184, 213, 215.

Cited. 40 CS 226, 227.

Subsec. (c):

Cited. 207 C. 698, 700, 702. Cited. 211 C. 508, 509, 512, 534. Cited. 214 C. 560, 565, 566, 572. Cited. 220 C. 86, 92, 93. Cited. 223 C. 618, 620. Cited. 235 C. 128, 138, 139, 141.

Cited. 14 CA 552, 554. Cited. 24 CA 662, 663; judgment reversed, see 223 C. 618 et seq. Cited. 34 CA 343, 345. Cited. 37 CA 777, 782, 783.

Sec. 4-183. Appeal to Superior Court. (a) A person who has exhausted all administrative remedies available within the agency and who is aggrieved by a final decision may appeal to the Superior Court as provided in this section. The filing of a petition for reconsideration is not a prerequisite to the filing of such an appeal.

(b) A person may appeal a preliminary, procedural or intermediate agency action or ruling to the Superior Court if (1) it appears likely that the person will otherwise qualify under this chapter to appeal from the final agency action or ruling and (2) postponement of the appeal would result in an inadequate remedy.

(c) Within forty-five days after mailing of the final decision under section 4-180 or, if there is no mailing, within forty-five days after personal delivery of the final decision under said section, a person appealing as provided in this section shall serve a copy of the appeal on the agency that rendered the final decision at its office or at the office of the Attorney General in Hartford and file the appeal with the clerk of the superior court for the judicial district of Hartford or for the judicial district wherein the person appealing resides or, if that person is not a resident of this state, with the clerk of the court for the judicial district of Hartford. Within that time, the person appealing shall also serve a copy of the appeal on each party listed in the final decision at the address shown in the decision, provided failure to make such service within forty-five days on parties other than the agency that rendered the final decision shall not deprive the court of jurisdiction over the appeal. Service of the appeal shall be made by (1) United States mail, certified or registered, postage prepaid, return receipt requested, without the use of a sheriff or other officer, or (2) personal service by a proper officer or indifferent person making service in the same manner as complaints are served in ordinary civil actions.

(d) The person appealing, not later than fifteen days after filing the appeal, shall file or cause to be filed with the clerk of the court an affidavit, or the sheriff's return, stating the date and manner in which a copy of the appeal was served on each party and on the agency that rendered the final decision, and, if service was not made on a party, the reason for failure to make service. If the failure to make service causes prejudice to any party to the appeal or to the agency, the court, after hearing, may dismiss the appeal.

(e) If service has not been made on a party, the court, on motion, shall make such orders of notice of the appeal as are reasonably calculated to notify each party not yet served.

(f) The filing of an appeal shall not, of itself, stay enforcement of an agency decision. An application for a stay may be made to the agency, to the court or to both. Filing of an application with the agency shall not preclude action by the court. A stay, if granted, shall be on appropriate terms.

(g) Within thirty days after the service of the appeal, or within such further time as may be allowed by the court, the agency shall transcribe any portion of the record that has not been transcribed and transmit to the reviewing court the original or a certified copy of the entire record of the proceeding appealed from, which shall include the agency's findings of fact and conclusions of law, separately stated. By stipulation of all parties to such appeal proceedings, the record may be shortened. A party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require or permit subsequent corrections or additions to the record.

(h) If, before the date set for hearing on the merits of an appeal, application is made to the court for leave to present additional evidence, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the agency, the court may order that the additional evidence be taken before the agency upon conditions determined by the

be, by reason of his official activity. Any such elected municipal official does not have an interest which is in substantial conflict with the proper discharge of his duties in the public interest and of his responsibilities as prescribed by the laws of this state, if any benefit or detriment accrues to him, his spouse, a dependent child, or a business with which he, his spouse or such dependent child is associated as a member of a profession, occupation or group to no greater extent than to any other member of such profession, occupation or group. Any such elected municipal official who has a substantial conflict may not take official action on the matter.

(P.A. 79-618, S. 3; P.A. 89-229, S. 2, 4; June 12 Sp. Sess. P.A. 91-1, S. 19.)

History: P.A. 89-229 specified the circumstances under which the provisions of Subsecs. (a) to (c), inclusive, of Sec. 1-82a are to apply; June 12 Sp. Sess. P.A. 91-1 added Subsec. (b) re conflicts of interest.

Cited. 180 C. 243, 251.

Sec. 7-148i. Discriminatory practices defined. Boards authorized. Any town, city or borough, by charter or ordinance, may adopt a code of prohibited discriminatory practices and may establish or designate a board, commission, council, committee or other agency to investigate any allegation of discriminatory practice. For the purposes of sections 7-148i to 7-148n, inclusive, and subparagraph (B) of subdivision (9) of subsection (c) of section 7-148, "discriminatory practice" means a violation of section 46a-58, 46a-59, 46a-60, 46a-64, 46a-64c or 46a-66.

(P.A. 80-403, S. 1, 10; P.A. 81-472, S. 4, 159; P.A. 86-403, S. 11, 132; P.A. 92-257, S. 7.)

History: P.A. 81-472 made technical changes; P.A. 86-403 made technical changes; P.A. 92-257 added reference to Sec. 46a-64c.

Cited. 183 C. 495, 501, 502.

Sec. 7-148j. Powers of boards. Any board, commission, council, committee or other agency established or designated pursuant to sections 7-148i to 7-148n, inclusive, and subparagraph (B) of subdivision (9) of subsection (c) of section 7-148, may be given the following powers: (1) The power to issue subpoenas or subpoenas duces tecum, enforceable upon application to the Superior Court, to compel the attendance of persons at hearings and the production of books, documents, records and papers; (2) the power to issue written interrogatories and require written answers under oath thereto, enforceable upon application to the Superior Court; (3) the power to hold hearings relating to any allegation of discriminatory practice which it has found reasonable cause to believe has occurred and to issue any appropriate orders including those authorized by section 46a-86; and (4) the power to petition the Superior Court for enforcement of any order issued by it upon a finding that a violation of the local code of prohibited discriminatory practices has occurred, including the power to petition the superior court for temporary injunctive relief upon a finding that irreparable harm to the complainant will otherwise occur or for any other relief authorized by sections 46a-89 and 46a-90a.

(P.A. 80-403, S. 2, 10; P.A. 86-403, S. 12, 132; P.A. 94-163.)

History: P.A. 86-403 made technical changes; P.A. 94-163 authorized boards to issue orders under Sec. 46a-86 and to petition superior court for relief under Secs. 46a-89 and 46a-90a.

Cited. 183 C. 495, 501.

Sec. 7-148k. Complaints. Hearings. Any complaint filed pursuant to sections 7-148i to 7-148n, inclusive, and subparagraph (B) of subdivision (9) of subsection (c) of section 7-148 shall be made under oath. No finding of a violation of a local code of prohibited discriminatory practices shall be made except after a hearing. The respondent at any such hearing shall be given reasonable advance written notice of the hearing, shall be entitled to be represented by counsel, and shall be permitted to testify and present

and cross-examine witnesses. The decision resulting from the hearing shall be in writing and shall include written findings of the facts upon which the decision is based.

(P.A. 80-403, S. 3, 10; P.A. 86-403, S. 13, 132.)

History: P.A. 86-403 made technical changes.

Cited. 183 C. 495, 501, 502.

Sec. 7-148l. Appeals. Any person aggrieved by any order of the board, commission, council, committee or other agency established or designated pursuant to sections 7-148i to 7-148n, inclusive, and subparagraph (B) of subdivision (9) of subsection (c) of section 7-148 may appeal to the State Commission on Human Rights and Opportunities. Any such appeal shall be filed within thirty days of the mailing of the written decision.

(P.A. 80-403, S. 4, 10; P.A. 86-403, S. 14, 132.)

History: P.A. 86-403 made technical changes.

Cited. 183 C. 495, 501.

Sec. 7-148m. Actions of State Commission on Human Rights and Opportunities to supersede local action. Any action by the State Commission on Human Rights and Opportunities which involves the same parties and subject matter as an action filed with a local commission on equal rights and opportunities shall supersede the action brought with the local commission, except that the State Commission on Human Rights and Opportunities may admit into evidence the results of any investigation of a complaint filed with the local commission, or the decision entered on such a complaint by the local commission, and accord to such investigation or such decision the weight that may be appropriate under the facts and circumstances of the case.

(P.A. 80-403, S. 5, 10.)

Cited. 183 C. 495, 501, 502.

Sec. 7-148n. Local boards may assume powers to investigate discriminatory practices. Any board, commission, council, committee or other agency which has been established or designated to investigate allegations of discriminatory practices by the charter or an ordinance of any town, city or borough prior to May 23, 1980, may assume the powers granted to such agencies under sections 7-148i to 7-148n, inclusive, and subparagraph (B) of subdivision (9) of subsection (c) of section 7-148 if the charter or ordinance creating or designating such agency is not in conflict with the provisions of sections 7-148i to 7-148n, inclusive, and subparagraph (B) of subdivision (9) of subsection (c) of section 7-148.

(P.A. 80-403, S. 6, 10; P.A. 86-403, S. 15, 132.)

History: P.A. 86-403 made technical changes.

Cited. 183 C. 495, 501, 502.

Secs. 7-148o to 7-148q. Reserved for future use.

Sec. 7-148r. Municipal fee for access to computer assisted mass appraisal system database. Any municipality may by ordinance impose a reasonable fee for public access to its computer database developed pursuant to section 12-62f for the purpose of revaluation.

(P.A. 95-283, S. 5, 68.)

History: P.A. 95-283, S. 5 effective July 6, 1995.