

EXECUTIVE BRANCH ETHICS COMMISSION  
**ADVISORY OPINION 92 – 5**

October 26, 1992

RE: Application of SB 63 to former state employee

In response to your request dated October 7, 1992, the Executive Branch Ethics Commission ("the Commission") hereby issues the following advisory opinion.

The relevant facts are as follows. You were formerly a division director in the Attorney General's Office. During your tenure, the Attorney General's Office contracted with a non-profit organization for technical advice on health insurance issues. You have asked a number of questions regarding to what extent, if any, SB 63 applies to you. We have addressed each of your questions in the order in which it was raised.

1. Are you required to complete a disclosure statement because of your employment during the first five months of 1992?

No. The Governor's Code of Ethics did not apply to the other constitutional officers, including the Attorney General's Office.

2. Since you left employment with the Attorney General's Office prior to the effective date of SB 63, does that law apply to you?

Yes. The post-employment prohibitions contained in paragraphs 6-8 of SB 63 apply also to "former employees."

3. If SB 63 does apply, does the six-month prohibition in Section 6(6) apply from the date you left state employment, or from the effective date of SB 63?

It applies from the date your employment ended.

4. Does SB 63 apply to you if you consult with the non-profit organization which had contracted with the Attorney General's Office? (Section 3(1) appears to limit the scope of SB 63 to for-profit organizations.)

Yes. SB 63 applies to you, notwithstanding that the organization is non-profit. However, it would not apply to you if the agreements between the non-profit organization and the Attorney General's Office involve public funds disbursed through entitlement programs as provided in Section 6, (4).