

Thomas Jones
Prepared Remarks
Vermont State Ethics Commission
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Good morning. My name is TJ Jones, and I am currently the Ethics Enforcement Officer for the State of Connecticut, and an adjunct professor of law at the University of Connecticut School of Law. I am here in my private capacity and not as a representative of the state of Connecticut.

In 2005, in the wake of an ethics crisis that sent the Connecticut governor and several members of his administration to prison, the Connecticut legislature established the Connecticut Office of State Ethics. The next year, I was appointed as the state's first "Ethics Enforcement Officer," charged with enforcing the newly enacted Code of Ethics for Public Officials.

Currently, all but six states have an active state ethics body. This year, following referendum in North Dakota and New Mexico, that number will shrink to four. A plurality of these ethics authorities trace their roots to the 1970s - in response to the Watergate scandal. They are largely independent agencies, governed by an appointed Board or Commission, and staffed by state employees.

The standard model among the states is that an ethics agency will provide three functions: education, advice, and enforcement. Education: to provide clarity on the generality of the ethics laws. Advice: to provide specific direction when the law is unclear. Enforcement: for the very few who refuse to abide the law. The majority of state ethics agencies possess some type of authority in all three areas, including enforcement.

Statutorily, the Connecticut model of ethics enforcement is similar to a plurality of the states (e.g., CA, MA, NY, RI). The Office of State Ethics, for example:

- receives complaints from the public regarding violations of the Code
- initiates its own complaints
- conducts investigations
- can compel production of documents and testimony
- can conduct hearings to determine whether there is probable cause to believe a violation has occurred
- can conduct hearings, probable cause, to determine whether a violation has occurred
- imposes penalties where violations are found
- maintains confidentiality of complaints and investigations, until probable cause is found

A few states have followed similar enforcement paths, but with modifications that decrease the enforcement authority of the agency. For example:

- the ethics agency can receive complaints, but not initiate its own complaints (CO, TX, WI)
- the agency makes a determination of whether the complaint is "non-frivolous" and then refers to another agency or official (e.g., the state's Attorney General or Inspector General), without its own independent investigation (CO, SC, VA, VT)
- the agency may make a preliminary inquiry, but has no power to compel production of documents or testimony (CO)
- the state has different enforcement rules for the legislative and executive branch (ME, VA)
- no penalty authority, but agency can terminate state employment (NH)

Although there is no magic formula, and enforcement is only one tool in effecting an ethical culture in government, there is a rough correlation between the level of enforcement authority within a state ethics agency, and the public impression of ethics in the state. (See, e.g., Center for Public Integrity annual report).

Thank you. I am happy to respond to any questions or comments the Commission may have.