

# EXECUTIVE BRANCH ETHICS COMMITTEE



33 Capitol Street  
Concord, New Hampshire 03301-6397

David L. Nixon, Chairman  
Dale S. Kuehne, Vice Chairman  
John E. Blair  
Deborah J. Schachter

Patricia B. Quigley  
L. Douglas O'Brien  
John J. Barthelmes

## Advisory Opinion

2007-006

### Question Presented

An employee of the state has agreed to accept employment with a private corporation. That employment will begin in several months and the employee will remain in his or her state employment during that period of time. The future employer responded to a Request for Proposals ("RFP") issued by the employee's Department/Agency. The employee was not involved in issuing or evaluating the RFP. The future employer has been awarded the contract. The departing state employee will recuse himself or herself from any contract administration and does not expect to work on the state contract after beginning employment with the corporation. Has the employee satisfied all requirements of the ethics law?

### Summary Answer

Yes. The employee has satisfied all requirements of the ethics laws and appears to have taken the necessary steps to avoid any potential conflict of interest.

### Legal Authority

RSA 21-G:22; RSA21-G:26

### Analysis

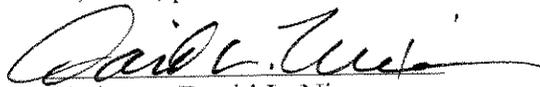
The employee appears to have taken the necessary steps to avoid any potential conflict of interest in that: the employee had no involvement in the contracting process; will have no involvement in the administration/oversight of the contract during his or her remaining time at the agency; and does not expect to work on the state contract after beginning employment with the corporation.

In the employee's private sector capacity he or she should also consider the prohibition against post-state employment lobbying set forth in RSA 21-G:26.

**Conclusion**

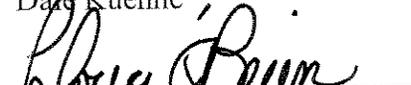
A state employee who accepts employment with an entity engaged in business with the state must avoid conflicts of interest during any continuation of state service by recusing himself or herself from any official duties involving regulation of or the conduct of business with the regulated entity. After leaving state service the individual must avoid prohibited lobbying on behalf of the entity for a period of 6 months.

This Advisory Opinion is issued by the Executive Branch Ethics Committee on February 21, 2007, pursuant to RSA 21-G:30, I(c).

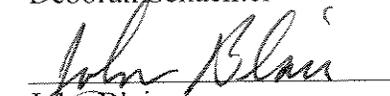
  
Chairman David L. Nixon

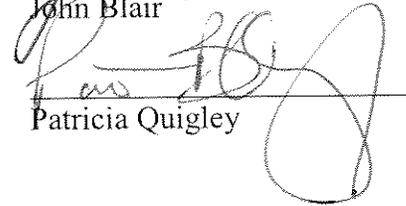
  
John Barthelmes

  
Dale Kuehne

  
L. Douglas O'Brien

  
Deborah Schachter

  
John Blair

  
Patricia Quigley