

OFFICE OF STATE ETHICS

DOCKET NUMBER 2012-26	:	OFFICE OF STATE ETHICS
	:	
IN THE MATTER OF A	:	18-20 TRINITY STREET
	:	
COMPLAINT AGAINST	:	HARTFORD, CT 06106
	:	
ROGER THOMAS	:	June 4, 2013

**STIPULATION AND CONSENT ORDER**

Pursuant to the Code of Ethics, General Statutes § 1-79, et seq., Thomas K. Jones, Ethics Enforcement Officer for the Office of State Ethics (“OSE”), issued a Complaint against the Respondent Roger Thomas (“Thomas” or “Respondent”) for violations of the Code of Ethics, General Statutes § 1-86 (a). Based on the investigation by the Enforcement Division of the OSE, the Ethics Enforcement Officer finds there is probable cause to believe that the Respondent, who was a Connecticut State employee, violated the Code of Ethics as set forth in the Complaint.

The Parties have entered into this Stipulation and Consent Order following the issuance of the Complaint, but without any adjudication of any issue of fact or law herein.

**I. STIPULATION**

The Office of State Ethics and the Respondent stipulate to the following facts:

1. At all times relevant hereto, the Respondent was employed by the Department of Transportation (“DOT”) and, as such, was a “state employee,” as that term is defined by General Statutes §1-79 (m).

2. At all times relevant hereto, Berger Lehman Associates P.C. (hereinafter “BLA”) (now a part of Ammann & Whitney) was a state contractor hired by the DOT for

consultant work related to the U. S. Route 7 project in Wilton (hereinafter the "Route 7 Project").

3. In 2010, the Respondent was assigned as a Transportation Engineer 3 to DOT District 3 which encompasses parts of both New Haven and Fairfield counties. As part of this assignment the Respondent had administrative oversight and duties relating to the Route 7 Project.

4. As the DOT official that had administrative oversight of the Route 7 Project, the Respondent was responsible for signing off on BLA's billings related to the Route 7 Project. Such billings included receiving and reviewing payroll abstract invoices listing BLA employees who were working on the Route 7 Project.

5. On or about 2010, the Respondent, as a result of his position as a Transportation Engineer 3 for the DOT became aware that BLA sought to hire a field office secretary for the Route 7 Project. After learning from BLA officials that BLA sought to hire a field office secretary for the Route 7 Project, the Respondent suggested his son to BLA officials as someone who would be able to fill the position. Respondent thereafter told his son about the opening and his son applied for the position.

6. Subsequent to the Respondent suggesting his son for the position, Respondent's son was the sole applicant and the sole interviewee for the BLA secretarial position. BLA did not otherwise publish, advertise or solicit other candidates for the secretarial position. On or about September 2, 2010, after receiving the request from BLA to hire Respondent's son, a DOT official signed a letter approving the hiring of the Respondent's son for the field office secretary position for the Route 7 Project. Prior to signing that letter, the DOT official sought out the recommendation of the Respondent in

connection with approving the Respondent's son for the field office secretary position.

6. The Respondent initialed the file copy of the correspondence approving the Respondent's son for the field office secretary position for the Route 7 Project and then the DOT official signed the correspondence, based in part on the Respondent's recommendation. In making the recommendation, the Respondent did not disclose to the DOT official that the person he was recommending for the position was his son.

7. After the Respondent's son was hired for the BLA secretarial position, the Respondent was responsible for reviewing and approving BLA payroll abstracts that BLA submitted to the DOT.

8. The Respondent reviewed and approved three separate BLA payroll abstracts wherein his son received payment for working for BLA. On each occasion, the Respondent failed to disclose to DOT the fact that his son was employed by BLA and failed to disclose the fact that he had a potential conflict of interest.

9. The total earnings by the Respondent's son as a result of his employment with BLA on the Route 7 Project was \$6,717.75.

10. Pursuant to General Statutes § 1-86 (a),

Any public official or state employee... who, in the discharge of [his] official duties, would be required to take an action that would affect a financial interest of... such official's or employee's child ... has a potential conflict of interest. Under such circumstances, such official or employee shall . . . prepare a written statement signed under penalty of false statement describing the matter requiring action and the nature of the conflict and deliver a copy of the statement to such official's or employee's immediate superior, if any, who shall assign the matter to another employee, or if such official or employee has no immediate supervisor, such official shall take such steps as the Office of State Ethics shall prescribe or advise.

11. By failing to prepare a written statement disclosing the potential conflict of interest he had recommending his son to a DOT official for the BLA secretarial position prior to the DOT official signing off on the approval of the hiring and in approving payroll abstracts through which his son was paid, Respondent violated General Statutes § 1-86 (a).

12. Each instance where the Respondent took action affecting the financial interest of his son and failed to prepare a written statement as required by General Statutes § 1-86 (a) represents a separate and distinct violation of the Code of Ethics.

13. Respondent admits to the foregoing facts and admits that such facts constitute violations of the Code of Ethics, General Statutes § 1-86 (a).

## **II. RESPONDENT'S POSITION**

1. Although Respondent had administrative oversight of the Route 7 project, this was one of many projects under Respondent's supervision during the calendar year in question (2010).

2. Respondent became aware of the BLA job opportunity as a result of his DOT position when he learned that a field office secretary had left without providing notice to BLA, leaving a sudden and unexpected vacancy.

3. Respondent had no knowledge as to the hiring process used by BLA or whether it considered other candidates.

4. Respondent realizes that it was his obligation to prepare a "Department of Transportation Employment and Outside Business Disclosure form" and that his failure to do so constituted a violation of § 1-86 (a) of the General Statutes.

5. Respondent has already been subjected to disciplinary action as a result of a DOT investigation into these same facts and as a result of that disciplinary action, served a 5-day suspension without pay. As a result, he has forfeited \$1,720.00 of his pay as well as all benefits to which he would otherwise be entitled for that service time. In addition, he has expended attorney's fees as a result of seeking legal advice in this proceeding.

## **III. JURISDICTION**

1. The Ethics Enforcement Officer is authorized to investigate the Respondent's acts as set forth herein, to issue a Complaint against the Respondent, and to enter into this Stipulation and Consent Order.

2. The provisions of this Stipulation and Consent Order apply to and are binding upon the Respondent.

3. The Respondent hereby waives all objections and defenses to the jurisdiction of the Office of State Ethics over matters addressed in this Stipulation and Consent Order.

4. The Respondent waives any rights he may have under General Statutes §§ 1-80, 1-82, 1-82a, 1-87 and 1-88, including the right to a hearing or appeal in this case, and agrees with the Office of State Ethics to an informal disposition of this matter as authorized by General Statutes § 4-177 (c).

5. The Respondent consents to jurisdiction and venue in the Connecticut Superior Court, Judicial District of Hartford, in the event that the State of Connecticut seeks to enforce this Stipulation and Consent Order. The Respondent recognizes that the Connecticut Superior Court has the authority to specifically enforce the provisions of this Stipulation and Consent Order, including the authority to award equitable relief.

6. The terms set forth herein are in addition to, and not in lieu of, any other existing or future statutory, regulatory, or other legal obligation that may be applicable to the Respondent.

7. The Respondent understands that he has the right to counsel and has been represented by counsel throughout the investigation and the negotiation of this Consent Order.

*THIS DOCUMENT IS DRAFTED FOR THE PURPOSE OF ATTEMPTING TO SETTLE A LEGAL CLAIM AND IS THUS INADMISSIBLE UNDER CT CODE OF EVIDENCE § 4-8, FRE RULE 408, AND ANY OTHER PERTINENT STATE OR FEDERAL RULE*

**IV. ORDER**

NOW THEREFORE, pursuant to General Statutes § 4-177 (c), the Office of State Ethics hereby **ORDERS**, and the Respondent agrees, that:

1. Pursuant to General Statutes § 1-88 (a) (1), the Respondent will heretofore cease and desist from any future violation of General Statutes § 1-86 (a).
2. Pursuant to General Statutes § 1-88 (a) (3), the Respondent will pay a civil penalty to the State in the amount of two thousand and five hundred dollars (\$2,500) for his alleged violations of General Statutes § 1-86 (a) as set forth in the Complaint.

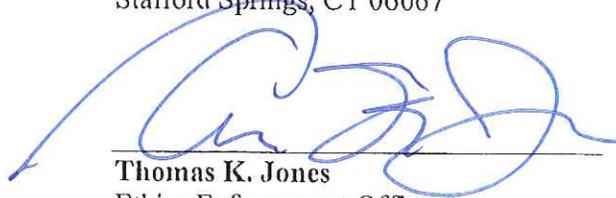
WHEREFORE, the Ethics Enforcement Officer and the Respondent hereby execute this Stipulation and Consent Order dated June 4, 2013.

Dated: 06/10/13



Roger Thomas  
45 East Main Street  
Stafford Springs, CT 06067

Dated: 6/10/13



Thomas K. Jones  
Ethics Enforcement Officer  
Connecticut Office of State Ethics  
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