

NOTICE OF FINAL DECISION

In the Matter of a Complaint by

Ethics Enforcement Officer,
Office of State Ethics,

Complainant

against

Docket # 2009-2UP

Richard Albrecht,

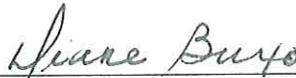
Respondent

September 9, 2009

TO: Ethics Enforcement Officer, Office of State Ethics; and Richard Albrecht, Respondent.

This will serve as notice of the Final Decision of the Citizen's Ethics Advisory Board, Office of State Ethics, in the above matter as provided by Connecticut General Statutes § 4-180 (c). The Citizen's Ethics Advisory Board adopted the Final Decision in the above-captioned case at its regular meeting of August 27, 2009.

By Order of the Citizen's Ethics Advisory Board
of the Office of State Ethics



Diane Buxo, Acting Clerk of the Board

In the Matter of a Complaint by

Final Decision

Ethics Enforcement Officer,
Office of State Ethics,

Complainant

Docket # 2009-2UP

against

Richard Albrecht,

Respondent

September 9, 2009

The above-captioned matter was heard as a contested case on July 14, 2009, with the complainant and respondent appearing and presenting testimony, exhibits and argument on the complaint.

After considering the entire record, the following facts are found and conclusions of law are made:

1. It is found that, having failed to receive the respondent's Statement of Financial Interests ("SFI") filing by May 1, 2009, the complainant informed the respondent, by letter dated June 2, 2009, that a hearing on this matter was scheduled for July 14, 2009.
2. It is found that the June 2, 2009 letter was accompanied by a formal Notice of Hearing, also dated June 2, 2009, which was issued under the authority and jurisdiction vested in the Office of State Ethics ("OSE") by General Statutes § 1-88 (b).
3. It is found that the June 2, 2009 letter also informed the respondent that, if the OSE finds that a violation has occurred, it may impose a penalty of up to ten dollars (\$10) per day for each day that the form was late.

4. It is found that the respondent received timely notice of the hearing in this matter.
5. It is found that the issues presented are
 - a. whether the respondent violated General Statutes § 1-83 (a) (1) by failing to file, on or before May 1, 2009, a SFI form for calendar year 2008;
 - b. whether the Citizen's Ethics Advisory Board ("Board") should impose a civil penalty in this matter, if it finds that the respondent violated § 1-83 (a) (1).
6. Section 1-83 (a) (1) provides, in relevant part:

All . . . state marshals . . . shall file, under penalty of false statement, a statement of financial interests for the preceding calendar year with the Office of State Ethics on or before the May first next in any year in which they hold such a position.

7. Section 1-88 (b) provides, in relevant part:

[The Board] may, after a hearing conducted in accordance with sections 4-176e to 4-184, inclusive, upon the concurring vote of two-thirds of its members, impose a civil penalty not to exceed ten dollars per day upon any individual who fails to file any report, statement or other information as required by this part. . . . In no event shall the aggregate penalty imposed for such failure to file exceed ten thousand dollars.

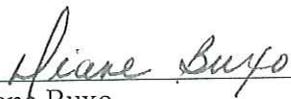
8. It is found that the respondent was, for calendar year 2008, a state marshal and a required SFI filer within the meaning of § 1-83 (a) (1).
9. It is found that the respondent did not file the 2008 SFI form with the OSE on or before May 1, 2009, as is required by § 1-83 (a) (1).
10. It is concluded that, by failing to file the required 2008 SFI form with the OSE on or before May 1, 2009, the respondent violated § 1-83 (a) (1).
11. It is found that the respondent filed the 2008 SFI form with the OSE on June 23, 2009, fifty-three (53) days late.
12. It is concluded that, under § 1-88 (b), the Board may impose on the respondent a maximum civil penalty of five hundred thirty dollars (\$530), that is, ten dollars (\$10) per day for the fifty-three (53) days the form was late.

13. It is found that the respondent requested that no fine be imposed, because (as stated at the July 14, 2009 hearing) he had difficulty obtaining a copy of the 2008 SFI form; and because (as articulated in his June 14, 2009 letter to the OSE) "I had to get copies of my 1099s from my tax folks which had already been put in storage as I misplaced my other copies."
14. It is found that the SFI form is readily available both electronically (at the OSE website) and in paper form (at the OSE).
15. It is found that, after being notified by OSE letter dated June 2, 2009, of his failure to file the 2008 SFI form, the respondent filed it on June 23, 2009.
16. It is found that the respondent was the subject of a similar complaint in 2008 for having failed to file a 2007 SFI in a timely fashion; and that, in its final decision, the Board imposed a civil penalty of two hundred fifty dollars (\$250)—although it could have imposed a civil penalty of fourteen hundred thirty dollars (\$1430)—and ordered the respondent as follows: "Henceforth, the respondent, if designated as a SFI filer within the meaning of § 1-83 (a) (1), shall timely file the SFI."

The following order by the Board is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. Based on the facts and circumstances of this case, the Board, exercising its discretion, reduces the civil penalty from five hundred thirty dollars (\$530) (the maximum permissible civil penalty) to four hundred dollars (\$400).
2. The respondent shall, within ten (10) days of the mailing of the notice of final decision in this case, remit to the OSE a civil penalty in the amount of four hundred dollars (\$400).
3. Henceforth, the respondent shall, if designated as a SFI filer within the meaning of § 1-83 (a) (1), file the SFI in a timely fashion.

Approved by Order of the Citizen's Ethics Advisory Board at its regular meeting of August 27, 2009.



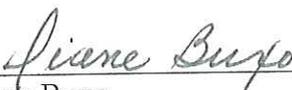
Diane Buxo
Acting Clerk of the Board

PURSUANT TO CONNECTICUT GENERAL STATUTES § 4-180 (c), THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE OFFICE OF STATE ETHICS, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

ETHICS ENFORCEMENT OFFICER
C/O: MARK WASIELEWSKI, ASST. ENFORCEMENT OFFICER
OFFICE OF STATE ETHICS
18-20 TRINITY STREET, SUITE 205
HARTFORD, CT 06106

RICHARD ALBRECHT
P.O. BOX 603
KILLINGWORTH, CT 06419-0603



Diane Buxo
Acting Clerk of the Board