



STATE OF CONNECTICUT
OFFICE OF STATE ETHICS

In the Matter of a Complaint by

Ethics Enforcement Officer,
Office of State Ethics,

Complainant

against

Docket # 2008-3UP

Richard Albrecht

Respondent

November 12, 2008

PROPOSED FINAL DECISION AND TRANSMITTAL OF PROPOSED FINAL DECISION
REGARDING ABOVE MATTER ARE RECEIVED BY:

Thomas K. Jones
Ethics Enforcement Officer

11/12/08
Date

Docket#2008-3UP/PFD/yp/11/12/08



STATE OF CONNECTICUT
OFFICE OF STATE ETHICS

Ethics Enforcement Officer,
Office of State Ethics,

Complainant

Notice of Meeting

against

Docket # 2008-3UP

Richard Albrecht,

Respondent

November 12, 2008

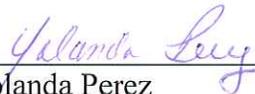
Transmittal of Proposed Final Decision

In accordance with Section 4-179 of the Connecticut General Statutes, the Citizen's Ethics Advisory Board of the Office of State Ethics ("Board") hereby transmits to you the proposed finding and decision prepared by the hearing officer in the above-captioned matter.

This will notify you that the Board will consider this matter for disposition at its meeting which will be held in the State Elections Enforcement Commission Hearing Room, 18-20 Trinity Street, 5th floor, Hartford, Connecticut, at **1 p.m. on Thursday, November 20, 2008**. At that time and place you will be allowed to offer oral argument concerning this proposed finding and order.

Although a brief or memorandum of law is not required, if you decide to submit such a document, the Board requests that an **original and twelve (12) copies** be filed *on or before November 20, 2008*. **PLEASE NOTE: Any correspondence, brief or memorandum directed to the Board by any party or representative of any party MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, (2) include a notation indicating such notice to all parties or their representatives and (3) be limited to argument. NO NEW EVIDENCE MAY BE SUBMITTED.**

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



Yolanda Perez
Acting Clerk of the Board

Notice to: Ethics Enforcement Officer, Office of State Ethics
Richard Albrecht

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STATE OF CONNECTICUT

OFFICE OF STATE ETHICS

In the Matter of a Complaint by

Hearing Officer Report

Ethics Enforcement Officer,
Office of State Ethics,

Complainant

Docket # 2008-3UP

against

Richard Albrecht,

Respondent

November 12, 2008

The above-captioned matter was heard as a contested case on October 23, 2008, at which time the complainant and the respondent appeared and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record, the following facts are found and conclusions of law are reached:

1. It is found that having failed to timely receive the respondent's SFI filing due by May 1, 2008, the complainant informed the respondent, by letter dated September 18, 2008, that a hearing on this matter was scheduled for October 23, 2008. It is found that the September 18, 2008 letter was accompanied by a formal Notice of Hearing, also dated September 18, 2008. Such notice was issued pursuant to the Office of State Ethics' ("OSE") authority and jurisdiction vested in it by General Statutes § 1-88 (b). It is found that the respondent received timely notice of the hearing in this matter.
2. It is found that the September 18, 2008 letter further informed the respondent that if the OSE finds that a violation has occurred, it may impose penalties of up to ten dollars (\$10) a day for each day that the form was late.

3. It is found that the issues presented are:

- a. whether the respondent violated § 1-83 (a) (1) by failing to file, on or before May 1, 2008, a SFI form for calendar year 2007;
- 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).

4. 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.

5. 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.

6. It is found that the respondent was a state marshal and a required SFI filer for the calendar year of 2007, within the meaning of § 1-83 (a) (1).

7. It is found that the respondent did not file the 2007 SFI form with the OSE on or before the first of May, 2008 as required by § 1-83 (a) (1).

8. It is therefore concluded that the respondent violated § 1-83 (a) (1), by failing to file the required 2007 SFI form with the OSE on or before the first of May, 2008.

9. It is found that the respondent filed the 2007 SFI form with the OSE on September 22, 2008, one hundred and forty three (143) days late.

10. It is concluded that pursuant to § 1-88 (b) the Board may impose a maximum civil penalty upon the respondent of one thousand, four hundred and thirty dollars (\$1,430), that is, ten dollars (\$10) per day for one hundred and forty three days that the form was late.

11. It is found that at the hearing in this matter the respondent requested that no fine be imposed because he honestly believed that he had filed the SFI form in a timely manner.
12. It is found that following notification from the OSE that the form had not been filed; the respondent filed the 2007 SFI form on September 22, 2008.
13. Based on the facts and circumstances of this case, the Board exercises its discretion to reduce the civil penalty permitted, from one thousand, four hundred and thirty dollars (\$1,430) to two hundred and fifty dollars (\$250).

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

1. The respondent shall, within ten days of the mailing of the notice of final decision in this case, remit to the OSE a civil penalty in the amount of two hundred and fifty dollars (\$250).
2. Henceforth, the respondent, if designated as a SFI filer within the meaning of § 1-83 (a) (1), shall timely file the SFI.

A handwritten signature in cursive script, appearing to read "Dennis Kelly", is written over a horizontal line.

Hearing Officer

Docket 2008-3UPBH/CI/11/12/2008