



STATE OF CONNECTICUT
STATE ETHICS COMMISSION

93-1

January 14, 1994

P R E S S R E L E A S E

On November 23, 1993, Ethics Commission Staff Attorney Marianne D. Smith filed an Amended Complaint against Alfred J. Rioux, Hartford County High Sheriff. The Amended Complaint alleged that Sheriff Rioux used his public office for financial gain by engaging in a fee-splitting arrangement with several of his deputies, charging fees not authorized by statute and using his state employee-secretary to perform clerical duties associated with the service of civil process, without paying the fair market value for such services.

Following a confidential hearing which was concluded on January 14, 1994, the Ethics Commission voted 5-0 to find probable cause that Sheriff Rioux's conduct violated Conn. Gen. Stat. §1-84(c) of the Code of Ethics for Public Officials, as alleged in Counts One, Three and Four of the Amended Complaint. Count Two was withdrawn prior to the Commission's deliberations. A copy of the Amended Complaint is attached.

FOR FURTHER INFORMATION CALL:

Alan S. Plofsky
Executive Director

or

Marianne D. Smith
Staff Attorney
566-4472



STATE OF CONNECTICUT
STATE ETHICS COMMISSION

DOCKET NUMBER 93-1) STATE ETHICS COMMISSION
IN THE MATTER OF A) 20 TRINITY STREET
COMPLAINT AGAINST) HARTFORD, CT 06106
ALFRED J. RIOUX) FEBRUARY 13, 1996

ETHICS COMMISSION FINDING

Following a public hearing commenced on January 17, 1996 and continued to February 2, 1996, the State Ethics Commission issues the following finding, and reasons therefor, in the matter of a complaint against Alfred J. Rioux, former High Sheriff of Hartford County:

1. At all times relevant to the Amended Complaint, dated November 23, 1993, the Respondent was the High Sheriff of Hartford County and a public official within the meaning of Conn. Gen. Stat. §1-79(k). The Respondent left office as High Sheriff in 1995.
2. Conn. Gen. Stat. §1-84(c) states in part that "no public official . . . shall use his public office or position . . . to obtain financial gain for himself."
3. Pursuant to Conn. Gen. Stat. §6-33, the Respondent, as High Sheriff, received a salary from the State of Connecticut "in full compensation for the performance of all duties required by law to be performed by [him], except for the service of civil process, for which service any [high] sheriff shall be entitled to receive and retain the fees therefor provided by law."
4. Conn. Gen. Stat. §6-45 grants a High Sheriff the authority to hire his or her deputy sheriffs and to fire them "at his pleasure."
5. Between April, 1990 and February, 1993 the Respondent received requests from attorneys for service of process directed to him by name or as the Hartford County High Sheriff.

6. On various occasions between April, 1990 and February, 1993, upon the receipt of a request for service of process directed to himself by name or as High Sheriff, the Respondent referred the request to one of four deputies, who would carry out the service, while the Respondent retained administrative responsibility for processing the requests. The deputy sheriffs to whom the Respondent referred work were Francis DeLucco, Albenie Gagnon, Roland Mailloux and Maxwell Atwater.

7. Upon completion of the service of process carried out by any one of the four deputies, as described in paragraphs 5-6, a bill, payable to the Respondent but indicating which deputy had actually performed the service, was sent to the referring attorney.

8. One of two members of the Respondent's state-employed clerical staff performed the clerical duties associated with the deputies' service of process, as described in paragraphs 5-6, including the typing of the returns and processing of the bills.

9. The Respondent performed neither clerical duties nor the actual delivery of legal papers in connection with the requests for service referred to his deputies, and his personal contribution to the execution of any such request was therefore negligible.

10. Upon receipt of payment from the referring attorneys for the service of process by one of the four deputies, the Respondent paid sixty percent of the fee to the deputy who performed the service of process, retaining forty percent for himself.

11. In addition to the clerical duties associated with the deputies' service of process, two members of the Respondent's state-employed staff performed clerical duties, including the typing of returns and processing of bills, associated with the Respondent's own service of civil process.

12. The Respondent did not pay either of his state-employed clerical staff for their efforts in connection with his own service of process or the service referred to any one of the four deputies.

13. The fees and expenses which a sheriff or deputy sheriff may charge for serving process are enumerated in Conn. Gen. Stat. §§52-261 and 52-261a.

14. Between April, 1990 and February, 1993, when processing bills for service of process requested by the law firm of RisCassi and Davis, the Respondent charged a \$15 "service fee" in addition to those fees enumerated in Conn. Gen. Stat. §§52-261 and 52-261a.

Having considered the evidence and memoranda of law submitted by the parties, the Commission has concluded that:

1. With respect to each of the four deputies referenced in paragraph 6, above, the Respondent, Alfred J. Rioux, violated Conn. Gen. Stat. §1-84(c) by retaining forty percent of the fees for services to which he contributed only negligibly, as described at paragraphs 5-10, above, a practice which took unfair advantage of the Respondent's authority over his subordinates;

2. With respect to both of his state-employed clerical staff referenced in paragraphs 8-12, above, the Respondent violated Conn. Gen. Stat. §1-84(c) by failing to pay them for their performance of duties associated with his own service of process and the service of process performed by his deputies from which he derived income, as described in paragraphs 5-12, a practice which took unfair advantage of the Respondent's authority over his subordinates, and;

3. The Respondent violated Conn. Gen. Stat. §1-84(c) by imposing a \$15 "service fee" in addition to those fees provided by law, as described in paragraph 14.

The motion to find that the Respondent violated Conn. Gen. Stat. §1-84(c) was moved by Commissioner Brett, seconded by Commissioner Burdick, and was adopted by a 5 - 0 vote, with Commissioner Dobbelle abstaining.

WHEREFORE, the Commission issues the following Order:

That the Respondent pay a civil penalty of seven thousand dollars (\$7,000) within thirty days of the date of this Order.

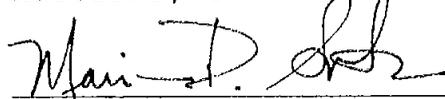
The motion to fine the Respondent seven thousand dollars (\$7,000) was moved by Commissioner Brett, seconded by Commissioner Burdick, and was adopted by a 5 - 0 vote, with Commissioner Dobbelle abstaining.

By Order of the Commission


Cindy Cannata
Clerk of the Commission

February 13, 1996
Date

This is to certify that a copy of the foregoing Finding and Order was mailed on February 13, 1996 to Craig A. Raabe, Esq., Robinson and Cole, One Commercial Plaza, 280 Trumbull Street, Hartford, CT 06103-3597.


Marianne D. Smith
Commissioner of the Superior Court

000392

IN THE MATTER OF A COMPLAINT AGAINST ALFRED J. RIOUX

ETHICS COMMISSION DOCKET NUMBER 93-1

Upon consideration of the evidence and memoranda of law submitted by the parties in the above matter, the Commission concluded that:

1. With respect to each of four deputies with whom he split fees for the service of process, the Respondent, Alfred J. Rioux, violated Conn. Gen. Stat. §1-84(c) by retaining forty percent of the fees for services to which he contributed only negligibly, a practice which took unfair advantage of the Respondent's authority over his subordinates;

2. With respect to two of his state-employed clerical staff, the Respondent violated Conn. Gen. Stat. §1-84(c) by failing to pay them for their performance of duties associated with his own service of process and the service of process performed by his deputies from which he derived income, a practice which took unfair advantage of the Respondent's authority over his subordinates, and;

3. The Respondent violated Conn. Gen. Stat. §1-84(c) by charging one law firm a \$15 "service fee," in addition to those fees provided by law, when processing bills for the service of process.

The motion to find that the Respondent violated Conn. Gen. Stat. §1-84(c) was moved by Commissioner *Brett*, seconded by Commissioner *Burdick*, and was adopted by a 5 - 0 vote.
Dobelle abstains

WHEREFORE, the Commission issues the following Order:

That the Respondent pay a civil penalty of \$ 7,000 within thirty days of the date of this Order.

The motion to fine the Respondent \$7,000 was moved by Commissioner *Brett*, seconded by Commissioner *Burdick*, and was adopted by a 5 - 0 vote.
Dobelle abstains

By Order of the Commission

Cindy Cannata

Cindy Cannata
Clerk of the Commission

February 2, 1996

Date

C O N F I D E N T I A L

DOCKET NUMBER 93-1) STATE ETHICS COMMISSION
IN THE MATTER OF A) 97 ELM STREET (REAR)
COMPLAINT) HARTFORD, CT 06106
ALFRED J. RIOUX) NOVEMBER 23 , 1993

AMENDED COMPLAINT

COUNT ONE

1. At all times relevant to the complaint herein, Alfred J. Rioux (hereinafter "the respondent") was the High Sheriff of Hartford County and a public official within the meaning of Conn. Gen. Stat. §1-79(k).

2. In his capacity as High Sheriff, the respondent routinely receives, and performs, requests for service of process.

3. At various times during the three-year period preceding April 5, 1993, the date of the original complaint herein, the respondent, upon receipt of a request for service of process, arranged, directly or indirectly, for the work to be performed by a deputy sheriff.

4. Upon receipt of payment for services rendered, at his request, by Deputy Sheriff Francis DeLucco, the respondent on several occasions retained 50 percent of the fee collected and paid 50 percent of the fee to Deputy Sheriff DeLucco; on all other occasions the respondent retained 60 percent of the fee collected and paid 40 percent of the fee to Deputy Sheriff DeLucco.

5. Upon receipt of payment for services rendered, at his request, by Deputy Sheriffs Albenie Gagnon, Roland Mailloux or Maxwell Atwater, the respondent retained 40 percent of the fee collected and paid 60 percent of the fee to the Deputy Sheriff who served the process.

6. Pursuant to Conn. Gen. Stat. §1-84(c), no public official shall use his public office or position to obtain financial gain for himself.

7. The respondent's practice of retaining a portion of the fees collected for services rendered by Deputy Sheriff Mailloux constituted a use of the respondent's office for personal financial gain, in violation of Conn. Gen. Stat. §1-84(c).

8. The respondent's practice of retaining a portion of the fees collected for services rendered by Deputy Sheriff DeLucco constituted a use of the respondent's office for personal financial gain, in violation of Conn. Gen. Stat. §1-84(c).

9. The respondent's practice of retaining a portion of the fees collected for services rendered by Deputy Sheriff Atwater constituted a use of the respondent's office for personal financial gain, in violation of Conn. Gen. Stat. §1-84(c).

10. The respondent's practice of retaining a portion of the fees collected for services rendered by Deputy Sheriff Gagnon constituted a use of the respondent's office for personal financial gain, in violation of Conn. Gen. Stat. §1-84(c).

COUNT TWO

1. Paragraphs 1 through 5 of Count One are hereby incorporated as paragraphs 1 through 5 of Count Two as if more fully set forth herein.

6. Pursuant to Conn. Gen. Stat. §1-83, all sheriffs, including the respondent, must file with the Ethics Commission, under penalty of false statement, an annual statement of income for the preceding calendar year which recites amounts and sources of income earned in their capacity as sheriffs.

7. In his Annual Statement of Income filed for the calendar year 1990 the respondent failed to list, as income, the portion he retained of fees for services performed by other sheriffs.

8. The respondent's failure to list, in his Annual Statement of Income filed for calendar year 1990, all sources and amounts of income received, violated Conn. Gen. Stat. §1-83.

COUNT THREE

1. Paragraphs 1 through 3 of Count One are hereby incorporated as Paragraphs 1 through 3 of Count Three as if more fully set forth herein.

4. Pursuant to Conn. Gen. Stat. §1-84(c), no public official shall use his public office or position to obtain financial gain for himself.

5. When processing certain bills for services performed by him personally or by Deputy Sheriff Mailloux the respondent charged, in addition to the fee for service of process, a \$15 "service fee."

6. The respondent's practice of charging and receiving a \$15 fee, in addition to the fee charged for service of process, constituted a use of his office for personal financial gain, in violation of Conn. Gen. Stat. §1-84(c).

COUNT FOUR

1. Paragraphs 1 and 2 of Count One are hereby incorporated as Paragraphs 1 and 2 of Count Four as if more fully set forth herein.

3. Pursuant to Conn. Gen. Stat. §6-33 the respondent receives a salary from the State of Connecticut for the performance of all duties required by law to be performed by him, except for the service of civil process.

4. The State of Connecticut employs a Secretary 1 and a Clerk Typist to assist the respondent in the performance of his administrative duties as High Sheriff.

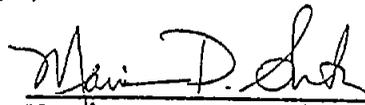
5. Performing clerical services associated with the respondent's service of civil process is not among the responsibilities for which the respondent's clerical staff is compensated by the State of Connecticut.

6. At various times during the three-year period preceding April 5, 1993, the respondent utilized one or more of his state-employed staff to perform clerical duties associated with his service of civil process, without paying the fair market value for such services.

7. Pursuant to Conn. Gen. Stat. §1-84(c), no public official shall use his public office or position to obtain financial gain for himself.

8. The respondent's failure to pay fair market value for clerical services associated with his service of civil process constituted a use of his office for personal financial gain, in violation of Conn. Gen. Stat. §1-84(c).

11/23/93
Date


Marianne D. Smith
Staff Attorney



STATE OF CONNECTICUT
STATE ETHICS COMMISSION

DOCKET NUMBER 93-1) STATE ETHICS COMMISSION
 IN THE MATTER OF A) 97 ELM STREET (REAR)
 COMPLAINT AGAINST) HARTFORD, CT 06106
 ALFRED J. RIOUX) JANUARY 19, 1994

NOTICE OF TERMINATION OF PRELIMINARY INVESTIGATION
AND RESULTS THEREOF

Pursuant to Section 1-82a, Connecticut General Statutes, the State Ethics Commission declares that on January 14, 1994 it terminated the preliminary investigation conducted with regard to Docket Number 93-1.

As a result of this investigation the Ethics Commission, by a vote of 5-0 (Commissioners Lorenzo and Nassef absent), found that there exists probable cause to believe that the Respondent violated the Code of Ethics for Public Officials, Chapter 10, Part I, Connecticut General Statutes, §1-84(c), as more fully described in paragraphs 1 through 7 of the attached Findings.

By the order of the Commission

Sue Read

Sue Read

Acting Clerk of the Commission

I hereby certify that copies of the foregoing Notice and attached Findings were sent on January 19, 1994 by first-class mail, postage prepaid, to the Attorneys for the Respondent, James A. Wade, Esq. and Craig A. Raabe, Esq., Robinson & Cole, One Commercial Plaza, Hartford, CT 06103-3597.

Marianne D. Smith

Marianne D. Smith

Commissioner of the Superior Court

Certified No. P516-386-130



STATE OF CONNECTICUT
STATE ETHICS COMMISSION

ETHICS COMMISSION PROBABLE CAUSE FINDINGS

DOCKET NUMBER 93-1

The Commission finds that there exists probable cause to believe that:

1. At various times between April 6, 1990 and April 5, 1993, Alfred J. Rioux, the High Sheriff of Hartford County and a public official within the meaning of Conn. Gen. Stat. §1-79(k), arranged for one of four deputy sheriffs to perform certain requests for service of process.

2. Upon receipt of payment for such service of process the respondent retained a minimum of 40% of the fee and paid the balance to the deputy who had performed the service.

3. During the same three-year period, when processing certain bills for services performed by him personally or by one deputy in particular, the respondent charged a \$15 "service fee" in addition to those fees permitted by statute for the service of process.

4. During the same three-year period, the respondent utilized one or more of his state-employed staff to perform clerical duties associated with the service of civil process, for which such employees are not compensated by the State of Connecticut, without paying the fair market value for such services.

5. With respect to each of the four deputies in question, the respondent's retention of a percentage of such deputies' fees constituted a use of his public office or position to obtain financial gain for himself, in violation of Conn. Gen. Stat. §1-84(c).

6. The respondent's imposition of a fee for the service of process not authorized by statute also constituted a use of his public office or position to obtain financial gain for himself, in violation of Conn. Gen. Stat. §1-84(c).

7. The respondent's failure to pay his state-employed staff the fair market value for clerical services associated with the

service of civil process also constituted a use of his public office or position to obtain financial gain for himself, in violation of Conn. Gen. Stat. §1-84(c).

By order of the Commission

Sue Read

Sue Read

Acting Clerk of the Commission

Certified No. P 516-386-130