

STATE OF CONNECTICUT

STATE ETHICS COMMISSION

CONFIDENTIAL

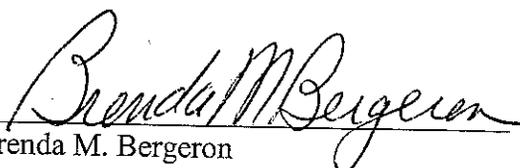
DOCKET NUMBER 2005-2 : STATE ETHICS COMMISSION
IN THE MATTER OF A : 20 TRINITY STREET
COMPLAINT AGAINST : HARTFORD, CT 06106
GILBANE BUILDING COMPANY : APRIL 26, 2005

COMPLAINT

1. At all times relevant herein, Gilbane Building Company (hereinafter "the Respondent") was doing business with the State of Connecticut Department of Public Works (hereinafter "DPW").
2. At all times relevant herein, Patrick J. Delahunty was employed by the State of Connecticut as the Deputy Commissioner of the Department of Public Works, and a state employee and public official as those terms are used in the Code of Ethics for Public Officials, Conn. Gen. Stat. §1-79 *et seq.*
3. At all times relevant herein, Scott W. Jellison was employed by the State of Connecticut as a Project Manager for the Department of Public Works, and a state employee as that term is used in the Code of Ethics for Public Officials, Conn. Gen. Stat. §1-79 *et seq.*
4. Connecticut General Statutes §1-84(m) prohibits a public official or state employee from knowingly accepting, directly or indirectly, any gift, as defined in Conn. Gen. Stat. §1-79(e), from any person the official or employee knows or has reason to know is doing business with the employee's department or agency. That same section prohibits any person from giving a gift or gifts, directly or indirectly, in violation of that provision.
5. Regulations of Connecticut State Agencies §1-92-54(c) requires that in order to avoid attribution of an item as directly and personally received, the recipient must either return the item or reimburse the donor within thirty days.

6. On one or more of the following occasions, the Respondent gave Mr. Delahunty or Mr. Jellison a gift, valued in excess of ten dollars, or a meal valued in excess of fifty dollars, or a meal that when aggregated with other meals given to said person earlier that calendar year exceeded the annual fifty dollar meal limit, that violated Conn. Gen. Stat. §1-84(m), *to wit*:
 - a. Food, beverage, and/or both, and/or golf-related expenses, given to Mr. Delahunty on or after April 26, 2002, by William J. Gilbane, Jr., Gilbane's President.
 - b. Food, beverage, and/or both, as well as a piece of art, given to Mr. Jellison or or after April 26, 2002 by or on behalf of the Respondent.
7. Neither Mr. Jellison nor Mr. Delahunty reimbursed the Respondent the market value of any gift alleged in paragraph 6 within thirty (30) days of his receipt of said gift.
8. Each donation by the Respondent of a gift to Mr. Jellison and/or Mr. Delahunty valued at greater than ten dollars (\$10.00) at one time without timely reimbursement is a violation of Conn. Gen. Stat. §1-84(m).
9. Each donation by the Respondent of a meal to Mr. Jellison and/or Mr. Delahunty valued at \$50.00 or more, or which when aggregated with the value of other meals given by the Respondent earlier in the calendar year exceeded the annual \$50.00 meal limit, without timely reimbursement is a violation of Conn. Gen. Stat. §1-84(m).

Dated at Hartford, Connecticut this 26th day of April, 2005.


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 GILBANE BUILDING COMPANY : JUNE 17, 2005

STIPULATION AND ORDER

Pursuant to Connecticut General Statutes §4-177(c), the State Ethics Commission (“Commission”) and the Respondent, Gilbane Building Company, (hereinafter “the Respondent”) agree to settle this matter in the manner described below:

1. WHEREAS, on June 17, 2005, the Commission issued an Amended Complaint against the Respondent alleging that it had violated the Code of Ethics for Public Officials, Conn. Gen. Stat. §1-79 *et seq.*
2. WHEREAS, the Respondent has fully cooperated with the investigation by the State Ethics Commission.
3. WHEREAS, the Respondent submits that, before it was contacted by the State Ethics Commission, it had instituted a Code of Ethics and a comprehensive and mandatory ethics training program for all of its employees
4. WHEREAS, the Respondent has entered this settlement solely in the interest of avoiding protracted litigation over the allegations stated in the Amended Complaint, and nothing stated herein shall constitute an admission of wrongdoing by the Respondent or an admission as to the truth or accuracy of any allegations stated in the Amended Complaint.
5. WHEREAS, the Respondent and the Commission agree that there has been no formal adjudication as to the Amended Complaint or any issues of law or facts stated therein; however, for purposes of this Agreement, the Commission finds that the Respondent violated the Code of Ethics for Public Officials, Conn. Gen. Stat. §1-79 *et seq.* as alleged in the Amended Complaint.

6. WHEREAS, the Respondent waives any rights it may have under Conn. Gen Stat. §§1-93, 1-93a, 1-98 and 1-80, including the right to a hearing or any appeal in this case, and agrees with the Commission to an informal disposition of this matter.
7. WHEREAS, this Stipulation and Order shall fully resolve any matters that were or could have been brought by the Commission as a result of any information supplied to the Commission by the Respondent and/or third parties in connection with this proceeding, and the State of Connecticut, through its Ethics Commission or any successor agency, hereby forever waives and releases any claims against the Respondent related to such matters.

NOW THEREFORE, and in consideration of the above, pursuant to Conn. Gen. Stat. §4-177(c), the State Ethics Commission enters, and the Respondent agrees to, the following orders in lieu of any other action regarding this matter:

1. The Respondent shall pay a civil penalty of \$5,000.00 to the Ethics Commission or its successor agency within thirty (30) days of the signing of this Stipulation and Order by all parties; and
2. The Respondent shall henceforth comply with the Codes of Ethics for Public Officials.

 The Respondent, Gilbane Building Company Date
 By: *William J. G. [Signature]*
 Its President and Chief Operating Officer

June 17, 2005

[Signature]
 State Ethics Commission
 By: Its Chairperson
 Hugh Macgill

W June 2005
 Date

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