

DOCKET NUMBER 2008-25)	OFFICE OF STATE ETHICS
)	
IN THE MATTER OF A)	18-20 TRINITY STREET
)	
COMPLAINT AGAINST)	HARTFORD, CT 06106
)	
MAUREEN DUGGAN)	JANUARY 15, 2009

STIPULATION AND CONSENT ORDER

Pursuant to the Code of Ethics, Conn. Gen. Stat. §§ 1-79, *et seq.*, Thomas K. Jones, Ethics Enforcement Officer for the Office of State Ethics (“OSE”), issued a complaint (“Complaint”) against the respondent Maureen Duggan (“Respondent”) for a violation of the Code of Ethics, Connecticut General Statutes §1-80(h). Based on the findings of an investigation by the Enforcement Division of the OSE, and further based on the admission of Respondent as set forth herein, the Ethics Enforcement Officer was prepared to prove at a hearing of the Citizens’ Ethics Advisory Board that the Respondent, while an employee at the State Ethics Commission, failed to conduct herself in a manner which promotes the integrity and impartiality of the State Ethics Commission.

The Parties have entered into this Stipulation and Consent Order following issue of the Complaint, but without adjudication of any issue of fact or law herein. This Stipulation and Consent Order relates solely to the specific allegations of the Complaint.

I. STIPULATION

The Ethics Enforcement Officer and Respondent hereby stipulate to the following facts:

1. From March 2004 to December 2004, the Respondent was employed as a Principal Attorney at the State Ethics Commission.

2. As an employee of the State Ethics Commission, the Respondent was required to abide by the Code of Ethics for employees and commissioners of the State Ethics Commission, as set forth in General Statutes § 1-80(h).
3. On or about August 2004, the Respondent drafted a letter to the Commissioners of the State Ethics Commission. The letter falsely represented that it was drafted by an “anonymus” [sic] parking lot attendant. The letter set forth several “suspicions” regarding the employees and practices of the State Ethics Commission. The letter contained deliberate misspelling of words that Respondent used to conceal the true source of the letter, and to falsely suggest that the author of the letter was undereducated. The Respondent made copies of the letter for each Commissioner.
4. Shortly after drafting the letter and making copies, the Respondent gave the letters to her husband. Her husband thereafter mailed the letters to the Commissioners.
5. On or about August 12, 2004, Commissioner Giuliano brought a copy of the letter into the Commission office and presented it to, *inter alia*, the Respondent. The Respondent did not disclose that she had drafted the letter, and acted at all times relevant hereto as if the letter had been drafted by an “anonymous” parking lot attendant.
6. The Respondent and two other attorneys “decided” to bring the letter to the Auditors of Public Accounts (the “Auditors”). Although not directly asked if she was the author of the letter, in her discussions with both the other attorneys and the Auditors, the Respondent did not disclose that she had drafted the letter, and acted at all times as if the letter had been drafted by an “anonymous” parking lot attendant. The Respondent,

and the other two attorneys, claimed “whistleblower” status by filing the letter with the Auditors.

7. Although not directly asked if she was the author of the letter, at all times relevant to this matter, in her conversations with Commissioner Giuliano, the Auditors, and with other employees of the State Ethics Commission, the Respondent did not disclose that she was the drafter of the “anonymous” letter and, in fact, continued to refer to the letter as “anonymously” drafted by a third party, thereby misleading others as to the true source of the letter.

8. On or about August 18, 2004, the Respondent drafted an affidavit to be filed with the Auditors. In the affidavit, signed under oath, the Respondent referenced her letter as an “anonymous letter raising issues regarding the work practices, expenses and habits of the Ethics Commission staff.” The Respondent’s reference to her letter as “anonymous” was misleading, and was designed to protect her own identity as the true drafter of the letter.

9. On or about the time that Respondent drafted the letter, and continuing at least until Respondent submitted her affidavit to the Auditors, the State Ethics Commission was conducting proceedings to consider what, if any, disciplinary action to take against the Executive Director of the Commission.

10. Respondent admits all the foregoing facts set forth in this Stipulation and Consent Order and acknowledges that such facts constitute a violation of General Statutes § 1-80(h).

II. STATE'S POSITION

Based on the above stipulated facts, and upon the Ethics Enforcement Officer's investigation, the Ethics Enforcement Officer was prepared to demonstrate at a probable cause hearing that:

1. By sending a letter about the State Ethics Commission that falsely claimed to be "anonymous" and by drafting an affidavit concerning the State Ethics Commission that was deliberately misleading, the Respondent failed to act in a manner which promotes public confidence in the integrity of the State Ethics Commission, in violation of General Statutes § 1-80(h)(2).

2. By sending a letter that falsely claimed to be "anonymous" and by failing to inform the Commission that she was the true author of the letter, the Respondent made statements and material omissions outside of a Commission proceeding, which would have the likelihood of prejudicing a Commission proceeding - viz, the Commission's consideration of what, if any, personnel action to take with respect to the Executive Director of the Commission - in violation of General Statutes § 1-80(h)(7).

III. RESPONDENT'S POSITION

1. The Respondent states that she authored the letter because she felt that there were procedures and conduct at the agency that she believed were improper, and she wanted to draw the Commissioners' attention to these issues.

2. The Respondent states that she authored the letter anonymously, and continued to refer to it as "anonymous," because she feared retaliation for writing the letter.

3. The Respondent states that a subsequent review by the Auditors of Public Accounts concluded that many of the allegations that were made in the "anonymous" letter she drafted were true.

4. The Respondent states that, in early March 2005, she voluntarily disclosed her authorship of the letter to the Office of Labor Relations.

5. The Respondent states that she regrets authoring the "anonymous" letter and regrets not disclosing that she was the author and states that she has already suffered significant financial and professional harm as a result of her actions.

IV. JURISDICTION

1. The Ethics Enforcement Officer is authorized to investigate the Respondent's employment practices, 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 undersigned Parties.

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

4. The Respondent waives any rights she may have under Conn. Gen. Stat. §§ 1-82, 1-82a, 1-87 and 1-80, including the right to a hearing or appeal in this case, and agrees with the Ethics Enforcement Officer 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.

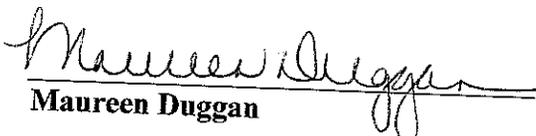
6. The Respondent understands that she has the right to counsel and has been represented by counsel of her choosing throughout.

V. ORDER

NOW THEREFORE, pursuant to General Statutes § 4-177(c), the Office of State Ethics hereby **ORDERS** as follows:

1. Pursuant to General Statutes § 1-88(a)(3), the Office of State Ethics orders and the Respondent agrees that the Respondent pay civil penalties to the State in the amount of one thousand dollars (\$1,000.00) for her violation of the Code of Ethics as set forth in the Complaint.

WHEREFORE, the Ethics Enforcement Officer and the Respondent hereby execute this Stipulation and Consent Order dated January 15, 2009.

Dated: January 15, 2009 
Maureen Duggan

Dated: January 20, 2009 
Thomas K. Jones
Ethics Enforcement Officer,
Office of State Ethics
18-20 Trinity Street
Hartford, CT 06106
(860) 263-2390