

DOCKET NUMBER 2008-31 : OFFICE OF STATE ETHICS
IN THE MATTER OF A : 18-20 TRINITY STREET
COMPLAINT AGAINST : HARTFORD, CT 06106
MATTHEW GALLAGHER : MARCH 3, 2010

STIPULATION AND CONSENT ORDER

Pursuant to the Code of Ethics, General Statutes sections 1-79, et seq., Thomas K. Jones, Ethics Enforcement Officer for the Office of State Ethics (“OSE”), issued a Complaint against the Respondent Matthew Gallagher (“Gallagher” or “Respondent”) for violations of the Code of Ethics, Connecticut General Statutes section 1-84(c). Based on the investigation by the Enforcement Division of the OSE, the Ethics Enforcement Officer finds there is probable cause to believe that the Respondent, who was an Associate Professor of Theater and Communications at Norwalk Community College, used state equipment and resources to operate an electronic store through the Amazon.com web site. Consequently, the Ethics Enforcement Officer finds there is probable cause to believe that the Respondent used his state position to obtain financial gain, in violation of General Statutes section 1-84(c).

The Parties have entered into this Stipulation and Consent Order following the issuance of the Complaint, but without any adjudication of any issue of fact or law herein.

I. STATE’S POSITION

Based upon its evaluation of this matter, the Ethics Enforcement Officer was prepared to establish the following at a probable cause hearing:

1. At all times relevant hereto, the Respondent was an Associate Professor of Theater and Communications at Norwalk Community College.

2. At all times relevant hereto, the Respondent was a state employee, as defined in General Statutes section 1-79(m).

3. Beginning no later than 2006 and continuing to at least July, 2008, the Respondent operated an electronic store through the Amazon.com web site, under the name "thenatural1."

4. Respondent used "thenatural1" electronic store to engage in the sale and purchase of items including books, compact disks (CDs), and digital video disks ("DVDs").

5. Respondent conducted transactions of "thenatural1" store through his state assigned computer.

6. Respondent used Norwalk Community College's postal system and postage to mail items purchased from "thenatural1" store to purchasers.

7. Among items that Respondent sold through "thenatural1" store were items for which he had previously been reimbursed by Norwalk Community College for use in his state position.

8. General Statutes §1-84(c) states in pertinent part:

[N]o public official or state employee shall use his public office or position . . . to obtain financial gain for himself.

9. By using state resources and equipment to operate "thenatural1" electronic store, the Respondent used his public office or position to obtain financial gain for himself, in violation of General Statutes section 1-84(c).

II. RESPONDENT'S POSITION

1. The Respondent denies that his actions violated the Code of Ethics but in order to avoid lengthy and costly legal proceedings, agrees to settle the matter.

2. The Respondent denies that he engaged in the business of an "electronic store" and states that his use of the name "the naturall" was limited to its use as a "user name," which he states was required for anyone seeking to buy or sell goods through Amazon.Com.

3. The Respondent states that his activities did not constitute the operation of an electronic store but was the method he used to purchase materials used by him as an Associate Professor of Humanities and to dispose of the materials when they were no longer needed.

4. Respondent specifically denies that the above activities resulted in any profit to him and states that his expenditures for materials used in connection with his teaching position far exceeded any reimbursement that he received from the college.

5. Respondent states that he previously paid \$493.12 in restitution to Norwalk Community College, and that he is no longer associated with that institution.

III. JURISDICTION

1. The Ethics Enforcement Officer is authorized to investigate the Respondent's acts as set forth herein, 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 Respondent.

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 he may have under General Statutes sections 1-80, 1-82, 1-82a, 1-87 and 1-88, 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 section 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 terms set forth herein are in addition to, and not in lieu of, any other existing or future statutory, regulatory, or other legal obligation that may be applicable to the Respondent.

7. The Respondent understands that he has the right to counsel and has been represented by counsel throughout the negotiation of this settlement.

IV. ORDER

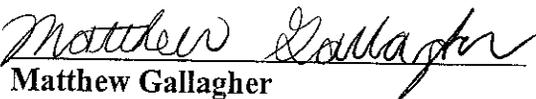
NOW THEREFORE, pursuant to General Statutes section 4-177(c), the Office of State Ethics hereby **ORDERS**, and the Respondent agrees, that:

1. Pursuant to General Statutes section 1-88(a)(1), the Respondent will heretofore cease and desist from any future violation of General Statutes section 1-84(c).

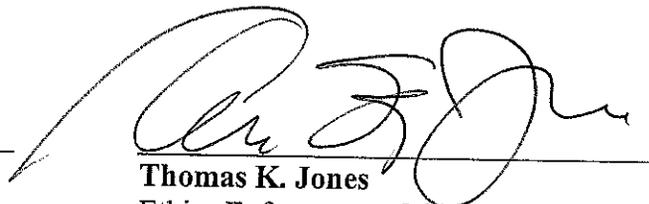
2. Pursuant to General Statutes section 1-88(a)(3), within thirty days of the entry of this Stipulation and Consent Order, the Respondent will pay civil penalties to the State in the amount of \$1000.00 (one thousand dollars) for his alleged violation of General Statutes sections 1-84(c).

WHEREFORE, the Ethics Enforcement Officer and the Respondent hereby execute this Stipulation and Consent Order dated March 3, 2010.

Dated: 3/31/10


Matthew Gallagher

Dated: 4/5/10


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