

THIS DOCUMENT IS DRAFTED FOR THE PURPOSE OF ATTEMPTING TO SETTLE A LEGAL CLAIM AND IS THUS INADMISSIBLE UNDER CT CODE OF EVIDENCE §4-8, FRE RULE 408, AND ANY OTHER PERTINENT STATE OR FEDERAL RULE

OFFICE OF STATE ETHICS

DOCKET NUMBER 2010-31 : OFFICE OF STATE ETHICS
: :
IN THE MATTER OF A : 18-20 TRINITY STREET
: :
COMPLAINT AGAINST : HARTFORD, CT06106
: :
CURTIS HARMON : JUNE 4, 2012

STIPULATION AND CONSENT ORDER

Pursuant to the Code of Ethics, General Statutes § 1-79, et seq., Thomas K. Jones, Ethics Enforcement Officer for the Office of State Ethics (“OSE”), issued a Complaint against the Respondent Curtis Harmon (“Harmon” or “Respondent”) for violations of the Code of Ethics, General Statutes § 1-84 (b). 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 a Connecticut State employee, violated the Code of Ethics as set forth in the Complaint.

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. STIPULATION

The Office of State Ethics and the Respondent stipulate to the following facts:

1. At all times relevant hereto, the Respondent was employed as an Advanced Nurse Practitioner by the Department of Children and Families (“DCF”) and, as such, was a “state employee,” as that term is defined by General Statutes §1-79 (m).

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2. From on or about January 29, 2004, until on or about May 31, 2006, Harmon was also employed by, Behavioral Management, LLC (“BM, LLC”) as an advanced practice registered nurse (“APRN”).

3. On or about June 13, 2005, DCF solicited a staff opinion from the State Ethics Commission regarding whether or not there is a conflict of interest with an APRN working for DCF working part-time with BM, LLC.

4. On or about May 3, 2006, OSE provided a staff opinion advising DCF that Mr. Harmon’s outside employment with BM, LLC is impermissible under the Code of Ethics. In part, the staff opinion stated,

... As you noted in your request for a staff opinion, Mr. Harmon likewise has access to confidential information that may be of interest to his outside employer; may be in communication with his outside employer regarding the placement of DCF clients; and, because DCF licenses his outside employer, would be required to report any issues that might affect its licensure under DCF-creating, as was the case with Ms. Kiwanuka, "a situation in which [he] could be torn between [his] duty as a DCF employee and loyalty to [his] outside employer." Thus, under the Code of Ethics, Mr. Harmon should not work for both DCF and Behavioral Management.

5. From on or about May 30, 2006, until on or about October 31, 2009, Harmon was engaged by BM, LLC as an independent contractor, acting as an APRN.

6. Beginning no later than 2007, BM, LLC was a behavior health provider that was credentialed by, and received referrals from, DCF.

7. During his employment with DCF, Harmon provided treatment for DCF clients that were thereafter referred by DCF for treatment at BM, LLC.

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8. After DCF clients were referred to Behavioral Management, LLC, Harmon provided treatment to the clients as an employee and or independent contractor of BM, LLC.

9. Respondent provided treatment to said DCF clients on behalf of BM, LLC, from on or about January 1, 2005 to on or about March 10, 2010. During this time frame, Respondent provided treatment for said DCF clients on more than 40 different occasions on behalf of BM, LLC.

10. Pursuant to General Statutes §1-84 (b), “No ... state employee shall accept other employment which will either impair his independence of judgment as to his official duties or employment or require him, or induce him, to disclose confidential information acquired by him in the course of and by reason of his official duties.”

11. Regulations of Connecticut State Agencies § 1-81-14 provides in pertinent part, “For the purposes of Subsection (b) of § 1-84 the term employment shall be construed to include any work or endeavor, whatever its form, undertaken in order to obtain financial gain (e.g., employee of a business, sole practitioner, independent contractor, investor, etc.).”

12. By accepting other employment as that term is defined for purposes of General Statutes § 1-84 (b) in Regulations of Connecticut State Agencies § 1-81-14 with BM, LLC, while Harmon was a state employee, he accepted other employment that impaired his independence of judgment as to his state duties and or induced him to

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disclose confidential information acquired in the course of his state employment, in violation of General Statutes §1-84 (b).

13. Respondent admits to the foregoing facts.

II. RESPONDENT'S POSITION

1. Respondent denies that he knowingly or intentionally violated any of the laws of the state of Connecticut, however, in consideration of this Stipulation and Consent Order, he has chosen not to contest the allegations of wrongdoing and he denies that he engaged in any wrongdoing or violated any laws as alleged.

2. Respondent maintains that at all times when he may have furnished services to clients of DCF while he was employed with BM, LLC, Respondent believed he had direct authorization and approval from his supervisor at that time, the medical director of DCF.

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

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binding upon the Respondent.

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

4. The Respondent waives any rights he may have under General Statutes §§ 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 Office of State Ethics 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 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 investigation and the negotiation of this Consent Order.

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III. ORDER

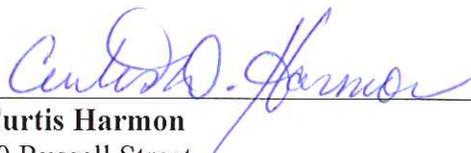
NOW THEREFORE, pursuant to General Statutes § 4-177 (c), the Office of State Ethics hereby **ORDERS**, and the Respondent agrees, that:

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

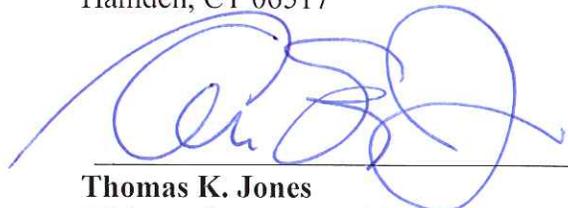
2. Pursuant to General Statutes § 1-88 (a) (3), the Respondent will pay a civil penalty to the State in the amount of two thousand five hundred dollars (\$2,500) for his alleged violations of General Statutes § 1-84 (b) as set forth in the Complaint.

WHEREFORE, the Ethics Enforcement Officer and the Respondent hereby execute this Stipulation and Consent Order dated June 4, 2012.

Dated: 6/13/12


Curtis Harmon
40 Russell Street
Hamden, CT 06517

Dated: 7/18/12


Thomas K. Jones
Ethics Enforcement Officer
Connecticut Office of State Ethics
18-20 Trinity Street
Hartford, CT06106
(860) 263-2390

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