

DOCKET NUMBER 2008-47) OFFICE OF STATE ETHICS
)
IN THE MATTER OF A) 18-20 TRINITY STREET
)
COMPLAINT AGAINST) HARTFORD, CT 06106
)
MARY FJELLDAL) NOVEMBER 23, 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 Mary Fjelldal (“Fjelldal” or “Respondent”) for a violation of the Code of Ethics, Connecticut General Statutes §1-84 (c). Based on the findings of an investigation by the Enforcement Division of the OSE, the Ethics Enforcement Officer believes that the Respondent, a court monitor for the Connecticut Judicial Department at the Stamford Connecticut Court Reporters Office, overcharged a member of the public for the reproduction of a transcript.

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 to, and resolves, all claims relating to the conduct that gave rise to the Complaint in this matter.

THIS SPACE IS LEFT BLANK INTENTIONALLY.

I. FINDINGS

Based upon the Ethics Enforcement Officer's investigation, the Ethics Enforcement Officer was prepared to allege the following:

1. At all times relevant hereto, Fjelldal was employed as a court monitor for the Connecticut Judicial Department and worked in the Stamford Connecticut Court Reporters Office.
2. At all times relevant hereto, the Respondent was a "State Employee" as that term is defined in General Statutes §1-79 (m).
3. At all times relevant hereto, Vanessa Fjelldal, daughter of Respondent, was employed as a court monitor for the Connecticut Judicial Department and worked in the Stamford Connecticut Court Reporters Office.
4. As part of her state employment, the Respondent recorded and transcribed court proceedings in the Connecticut superior courts.
5. At all times relevant hereto, the Respondent and other court monitors were required to follow a mandatory price schedule when providing transcripts to requestors.
6. At all times relevant hereto, court monitors were required by the mandatory price schedule to charge \$3.50 per page for expedited requests for copies of previously produced transcripts.
7. Despite the mandatory price schedule, the Respondent charged amounts greater than those allowed by the schedule for the benefit of herself and/or Vanessa Fjelldal.
8. General Statutes § 1-84 (c) states in pertinent part:

[N]o public official or state employee shall use his public office or position or any confidential information received through his holding such public office or position to obtain financial gain for himself [or] his . . . child
9. By overcharging requestors in excess of the amounts allowed by the mandatory price schedule, the Respondent used her state position to obtain financial gain for herself and her daughter in violation of General Statutes § 1-84 (c).

II. RESPONDENT'S POSITION

1. Respondent disputes the claims set forth above and asserts that there is no probable cause to believe that she violated the Code of Ethics.
2. Respondent contends that she did not violate § 1-84 (c) and that her execution of this Consent Order represents only her desire to fully and finally resolve the subject matter of the complaint and does not constitute an admission or acknowledgment of a violation of the Code of Ethics.

III. JURISDICTION

NOW THEREFORE, the Ethics Enforcement Officer of the Connecticut Office of State Ethics and the Respondent hereby enter into this Stipulation and Consent Order and hereby agree as follows:

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 General Statutes §§ 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.

IV. ORDER

NOW THEREFORE, pursuant to General Statutes § 4-177 (c), the Ethics Enforcement Officer and Respondent agree to settle the matter in the manner described below:

1. Pursuant to General Statutes § 1-88 (a) (1), the Ethics Enforcement Officer orders and the Respondent agrees to cease and desist from any future violation of General Statutes § 1-84 (c).

2. Pursuant to General Statutes § 1-88 (a) (3), the Ethics Enforcement Officer orders and the Respondent agrees that the Respondent pay civil penalties to the State in the amount of five hundred dollars (\$500) for violation of General Statutes § 1-84 (c).

3. Pursuant to General Statutes § 1-88 (d), the Ethics Enforcement Officer orders and the Respondent agrees that the Respondent reimburse the member of the public, Kerstin Lindholm, in the amount of two hundred and twelve dollars and fifty cents (\$212.50) for the overcharge in violation of General Statutes § 1-84 (c).

4. The Ethics Enforcement Officer orders and the Respondent agrees to pay all damages and civil penalties to the Office of State Ethics within thirty (30) days of the signing of this Stipulation and Consent Order.

5. Respondent agrees that, for every transcript produced for profit by the Respondent in her capacity as a Court Monitor or Court Reporter for the State of Connecticut, she will provide a detailed invoice to the requestor. Such detailed invoice shall include the total number of pages charged under any rate, specify the per page rate charged, and a total amount due.

6. Respondent agrees to henceforth comply with the requirements of the Code of Ethics for Public Officials.

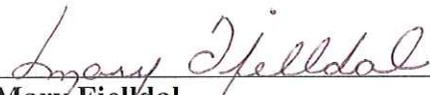
THIS SPACE IS LEFT BLANK INTENTIONALLY.

V. REPRESENTATION

Respondent has been advised, and understands, that she has the right to counsel, and has expressly determined to waive such right.

WHEREFORE, the Ethics Enforcement Officer and the Respondent hereby execute this Stipulation and Consent Order dated November 23, 2009.

Dated: 12/1/09



Mary Fjelldal,
Respondent
18 Oakdale Rd
Stamford, CT 06906

Dated: 12/21/09



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