

NOTICE OF FINAL DECISION

In the Matter of a Complaint by

Ethics Enforcement Officer,
Office of State Ethics,

Complainant

against

Docket # 2011-08UP

David J. Brown,

Respondent

October 21, 2011

TO: Ethics Enforcement Officer, Office of State Ethics; and David J. Brown, Respondent.

This will serve as notice of the Final Decision of the Citizen's Ethics Advisory Board, Office of State Ethics, in the above matter as provided by Connecticut General Statutes § 4-180 (c). The Citizen's Ethics Advisory Board adopted the Final Decision in the above-captioned case at its regular meeting of October 20, 2011.

By Order of the Citizen's Ethics Advisory Board
of the Office of State Ethics

Diane Buxo

Diane Buxo, Acting Clerk of the Board

7011 2000 0000 8639 0735

U.S. Postal Service		CERTIFIED MAIL RECEIPT	
<i>(Domestic Mail Only, No Insurance Coverage Provided)</i>			
For additional information visit our website at www.usps.com			
OFFICIAL USE			
Postage	\$	Postmark Here	
Certified Fee			
Return Receipt Fee (Endorsement Required)			
Restricted Delivery Fee (Endorsement Required)			
Total Postage & Fees	\$		
Sent To		David J. Brown	
Street, Apt. No., or PO Box No.		5125 Woods Edge Road	
City, State, ZIP+4		Wilmington, NC 28409-3975	
See reverse for instructions			

In the Matter of a Complaint by

Final Decision

Ethics Enforcement Officer,
Office of State Ethics,

Complainant

Docket # 2011-08UP

against

David J. Brown,

Respondent

October 21, 2011

The above-captioned matter was heard as a contested case on September 14, 2011, at which time the complainant and the respondent appeared and presented testimony, exhibits and argument on the complaint.

After considering the entire record, the following facts are found and conclusions of law are made:

1. It is found that, having failed to receive the respondent's Statement of Financial Interests ("SFI") filing by May 1, 2011, the complainant informed the respondent, by letter dated August 8, 2011, that a hearing on this matter was scheduled for September 14, 2011. It is found that the August 8, 2011 letter was accompanied by a formal Notice of Hearing, also dated August 8, 2011. Such notice was issued pursuant to the authority and jurisdiction vested in the Office of State Ethics ("OSE") by General Statutes § 1-88 (b).
2. It is found that the August 8, 2011 notice of hearing informed the respondent that, if the Citizen's Ethics Advisory Board ("Board") finds that a violation has occurred, it may impose a penalty of up to ten dollars (\$10) per day for each day that the form was late.
3. It is found that the OSE issued proper notice to the respondent.
4. It is found that the issues presented are:

- a) whether the respondent violated § 1-83 (a) (1) by failing to file, on or before May 1, 2011, a SFI form for calendar year 2010;
- b) whether the Board should impose a civil penalty in this matter, if it finds that the respondent violated § 1-83 (a) (1).

5. Section 1-83 (a) (1) provides, in relevant part:

All . . . such members of the Executive Department and such employees of quasi-public agencies as the Governor shall require, shall file, under penalty of false statement, a statement of financial interests for the preceding calendar year with the Office of State Ethics on or before the May first next in any year in which they hold such a position.

6. Section § 1-88 (b) provides, in relevant part:

[The Board] may, after a hearing conducted in accordance with sections 4-176e to 4-184, inclusive, upon the concurring vote of two-thirds of its members, impose a civil penalty not to exceed ten dollars per day upon any individual who fails to file any report, statement or other information as required by this part In no event shall the aggregate penalty imposed for such failure to file exceed ten thousand dollars.

7. It is found that the respondent was a member of the Department of Emergency Management and Homeland Security, an executive department, and a required SFI filer for calendar year 2010, within the meaning of § 1-83 (a) (1).
8. It is found that the respondent received notice of his designation as a required filer.
9. It is found that the complainant sent email notices, dated, March 17, April 15 and 25, 2011, to the respondent's state work email address reminding the respondent of his obligation to file the SFI form for calendar year 2010.
10. It is found that the respondent did not file the 2010 SFI form with the OSE on or before the first of May 2011 as required by § 1-83 (a) (1).
11. It is therefore concluded that the respondent violated § 1-83 (a) (1), by failing to file the required 2010 SFI form with the OSE on or before the first of May 2011.
12. It is found that the respondent filed his 2010 SFI form with the OSE on July 18, 2011.
13. It is found that on April 21, 2011, the Citizen's Ethics Advisory Board ordered the Ethics Enforcement Officer to refrain from enforcement of § 1-83 until May 2, 2011, because

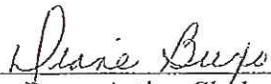
the filing deadline of May 1, 2011 was a Sunday, a day on which the OSE is typically closed.

14. It is found that, as of July 18, 2011, the date the respondent filed his 2010 SFI form with the OSE, the respondent was seventy-seven (77) days late in filing his 2010 SFI form.
15. It is concluded that pursuant to § 1-88 (b) the Board may impose a maximum civil penalty upon the respondent of seven hundred seventy dollars (\$770), that is, ten dollars (\$10) per day for seventy-seven (77) days that the report was late.
16. It is found that at the hearing in this matter the respondent requested that no fine be imposed because his failure to file was not willful but inadvertent due to respondent's accidental deletion of the March 17, 2011 SFI email reminder from the OSE, his inability to receive the April 15 and 25, 2011 SFI email reminders from the OSE through the state email system due to the respondent's departure from state service on April 6, 2011, and his subsequent relocation to North Carolina.
17. It is found that the complainant eventually was able to obtain the respondent's contact information in North Carolina and notified him of the filing delinquency of the SFI form for calendar year 2010.
18. It is found that soon after receiving the notice of his SFI filing delinquency, on July 18, 2011, the respondent filed electronically the SFI form for calendar year 2010.
19. Based on the facts and circumstances of this case, the Board exercises its discretion to reduce the civil penalty permitted.

The following order by the Board is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. The respondent shall, within ten (10) days of the mailing of the notice of final decision in this case, remit to the OSE a civil penalty in the amount of fifty dollars (\$50.00).
2. Henceforth, the respondent shall, if designated an SFI filer within the meaning of § 1-83 (a) (1), file the SFI in a timely fashion.

Approved by Order of the Citizen's Ethics Advisory Board at its regular meeting of October 20, 2011.



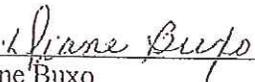
Diane Buxo, Acting Clerk of the Board

PURSUANT TO CONNECTICUT GENERAL STATUTES § 4-180 (c), THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS PROVIDED TO THE OFFICE OF STATE ETHICS, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVES.

THE PARTIES TO THIS CONTESTED CASE ARE:

ETHICS ENFORCEMENT OFFICER
C/O: MARK WASIELEWSKI, ASST. ENFORCEMENT OFFICER
OFFICE OF STATE ETHICS
18-20 TRINITY STREET, SUITE 205
HARTFORD, CT 06106

DAVID J. BROWN
5125 WOODS EDGE ROAD
WILMINGTON, NC 28409-3975



Diane Buxo
Acting Clerk of the Board