

Ethics Enforcement Officer,
Office of State Ethics,

Complainant

against

Robert Congdon,

Respondent

Notice of Meeting

Docket # 2011-06UP

October 12, 2011

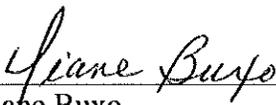
Transmittal of Proposed Final Decision

In accordance with Section 4-179 of the Connecticut General Statutes, the Citizen's Ethics Advisory Board of the Office of State Ethics ("Board") hereby transmits to you the proposed finding and decision prepared by the hearing officer in the above-captioned matter.

This will notify you that the Board will consider this matter for disposition at its meeting which will be held in the State Elections Enforcement Commission Hearing Room, 18-20 Trinity Street, 5th floor, Hartford, Connecticut, at **1 p.m. on Thursday, October 20, 2011**. At that time and place you will be allowed to offer oral argument concerning this proposed finding and order.

Although a brief or memorandum of law is not required, if you decide to submit such a document, the Board requests that an original and twelve (12) copies be filed *on or before October 19, 2011*. **PLEASE NOTE: Any correspondence, brief or memorandum directed to the Board by any party or representative of any party MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, (2) include a notation indicating such notice to all parties or their representatives and (3) be limited to argument. NO NEW EVIDENCE MAY BE SUBMITTED.**

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



Diane Buxo
Acting Clerk of the Board

Notice to: Ethics Enforcement Officer, Office of State Ethics
Robert Congdon

In the Matter of a Complaint by

Hearing Officer Report

Ethics Enforcement Officer,
Office of State Ethics,

Complainant

Docket # 2011-06UP

against

Robert Congdon,

Respondent

October 11, 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 July 26, 2011, that a hearing on this matter was scheduled for September 14, 2011. It is found that the July 26, 2011 letter was accompanied by a formal Notice of Hearing, also dated July 26, 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 July 26, 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:

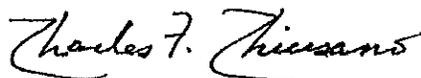
All . . . such members of the Executive Department and such employees of quasi-public agencies as the Governor shall require, shall file, under penalty of false statement, a statement of financial interests for the preceding calendar year with the Office of State Ethics on or before the May first next 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 Transportation Strategy Board within the Department of Transportation and, as such, a member of the 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 and April 15, 2011, to the respondent's available 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 May 24, 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 May 24, 2011, the date the respondent filed his 2010 SFI form with the OSE, the respondent was twenty-three (23) 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 two hundred thirty dollars (\$230), that is, ten dollars (\$10) per day for twenty-three (23) 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. The respondent claims that he did not receive a notice of his designation as an SFI filer for his position as a member of the Transportation Strategy Board. Upon receipt of the April 15, 2011 SFI email reminder from the OSE, the respondent contacted OSE to confirm his SFI filer designation status.
17. It is found that although the respondent attempted to file an electronic version of the SFI form for calendar year 2010, by entering a draft copy of the SFI form on May 16, 2011, he did not file the SFI form for calendar year 2010 until May 24, 2011.
18. 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.



Charles F. Chiusano
Hearing Officer