

NOTICE OF FINAL DECISION

In the Matter of a Complaint by

Ethics Enforcement Officer,  
Office of State Ethics,

Complainant

against

Docket # 2011-05UP

Ann A. Kiessling,

Respondent

October 21, 2011

TO: Ethics Enforcement Officer, Office of State Ethics; and Ann A. Kiessling, 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

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In the Matter of a Complaint by

Final Decision

Ethics Enforcement Officer,  
Office of State Ethics,

Complainant

Docket # 2011-05UP

against

Ann A. Kiessling,

Respondent

October 21, 2011

The above-captioned matter was heard as a contested case on September 14, 2011, with the complainant appearing and presenting testimony, exhibits and argument on the complaint. The respondent did not appear in person. She submitted a written statement 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 May 25, 2011, that a hearing on this matter was scheduled for July 19, 2011. It is found that the May 25, 2011 letter was accompanied by a formal Notice of Hearing, also dated May 25, 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 May 25, 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 due to a scheduling conflict, the complainant and respondent agreed to reschedule the Hearing to September 14, 2011.

4. It is found that on September 14, 2011, the respondent submitted, by email, a written statement for consideration at the hearing scheduled on the same date.
5. It is found that the OSE issued proper notice to the respondent.
6. 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).
7. 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.
8. 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.
9. It is found that the respondent was a member of the Connecticut Stem Cell Advisory Committee and a required SFI filer for calendar year 2010, within the meaning of § 1-83 (a) (1).
10. It is found that the respondent received notice of her designation as a required filer.
11. It is found that the complainant sent email notices, dated March 17, April 15 and 25, 2011, to the respondent's available email address reminding the respondent of the obligation to file the SFI form for calendar year 2010.
12. 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).

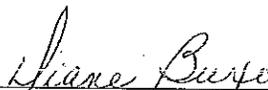
13. It is therefore concluded that the respondent violated § 1-83 (a) (1), by failing to file the required 2010 SFI form with the OSE on or before the first of May 2011.
14. It is found that the respondent filed her 2010 SFI form with the OSE on June 27, 2011.
15. It is found that on April 21, 2011, 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.
16. It is found that, as of June 27, 2011, the date the respondent filed her 2010 SFI form with the OSE, the respondent was fifty-six (56) days late in filing her 2010 SFI form.
17. It is concluded that pursuant to § 1-88 (b) the Board may impose a maximum civil penalty upon the respondent of five hundred and sixty dollars (\$560.00), that is, ten dollars (\$10) per day for fifty-six days that the form was late.
18. It is found that in her written statement the respondent stated that the reason for her failure to file was due to her inability to navigate the OSE's on-line SFI filing system and the lack of support from the OSE staff.
19. It is found that the respondent eventually requested that a hard copy of the 2010 SFI form be mailed to her home so she could complete it and send it back to the OSE for filing.
20. It is found that the OSE staff process 2500 SFI filings during the annual SFI filing season and responds to several hundred inquiries regarding SFI filings.
21. It is found that prior to May 18, 2011 (the end of the SFI courtesy grace period), OSE staff did respond to the respondent's requests for assistance by leaving a voicemail at her normal place of business, the Bedford Stem Cell Research Foundation in Bedford, Massachusetts.
22. It is found that the respondent did not respond to the voicemail, described in finding 21, above.

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 five hundred and sixty dollars (\$560.00).

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.

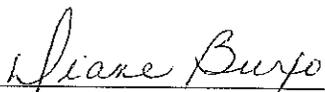
  
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Diane Buxo, Acting Clerk of the Board

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

ANN A. KIESSLING  
53 CONCORD ROAD  
BEDFORD, MA 01730

  
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Diane Buxo  
Acting Clerk of the Board