

In the Matter of a Complaint by

FINAL DECISION

Ethics Enforcement Officer,
Office of State Ethics,

Complainant

Docket # 2013-08UP

against

Daphne A. Deeds,

Respondent

July 18, 2013

The above-captioned matter was heard as a contested case on June 27, 2013, at which time the complainant and the respondent appeared and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record, the following facts are found and conclusions of law are reached:

1. It is found that by email dated May 7, 2013, the complainant informed the respondent that her 2012 Statement of Financial Interests (“SFI”) form, which was due to be filed on or before May 1, 2013, was delinquent, and that if such SFI form was not filed with the Office of State Ethics (“OSE”) by May 20, 2013, a hearing regarding this matter would be scheduled.

2. It is found that the May 7, 2013 email further informed the respondent that “[b]y statute . . . [p]enalties can amount to up to \$10 for each day that the form is late, dating from May 1 until the date that the form is actually filed.”

3. Having failed to receive the SFI filing by May 20, 2013, it is found that by letter dated May 21, 2013, the complainant informed the respondent that a hearing on this matter was scheduled for June 27, 2013. It is found that the May 21, 2013 letter was accompanied by a formal Notice of Hearing, also dated May 21, 2013. Such notice was issued pursuant to the OSE’s authority and jurisdiction vested in it by General Statutes § 1-88 (b). It is found that the respondent received timely notice of the hearing in this matter.

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, 2013, a SFI form for calendar year 2012;
- b) whether the Citizen's Ethics Advisory Board ("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 six of its members present and voting, 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 Executive Department, specifically a member of the State Library Board, and a required SFI filer for the calendar year of 2012, within the meaning of § 1-83 (a) (1).

8. It is found that the respondent did not file the 2012 SFI form with the OSE on or before the first of May, 2013 as required by § 1-83 (a) (1).

9. It is therefore concluded that the respondent violated § 1-83 (a) (1), by failing to file the required 2012 SFI form with the OSE on or before the first of May, 2013.

10. It is found that the respondent filed the 2012 SFI form with the OSE on June 7, 2013, thirty-seven (37) days late.

11. It is concluded that pursuant to § 1-88 (b) the Board may impose a maximum civil penalty upon the respondent of three hundred and seventy dollars, that is, ten dollars per day for thirty-seven days.

12. It is found that at the hearing in this matter the respondent requested that no fine be imposed because she did not receive the initial e-mailed notices from the OSE reminding her to file the SFI form due to a change in her e-mail address. It is also found that the ethics liaison for the State Library failed to update the respondent's e-mail address on the list of required SFI filers provided to OSE. Respondent also testified that her service on the State Library Board was as a volunteer, and that she was not compensated for her service nor did she receive any travel stipend for attending bi-monthly meetings.

13. It is found that at the hearing in this matter the respondent further testified that once she received notification at her current e-mail address, she continued to believe that because she had left her volunteer state position on February 7, 2013, she was no longer required to file an SFI form.

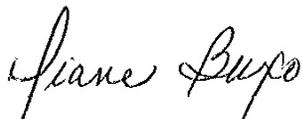
14. It is found that after speaking with staff from the OSE Enforcement Division on May 20, 2013, and then receiving assistance with the log-in process from OSE staff, the respondent filed the 2012 SFI form on June 7, 2013.

15. Based on the facts and circumstances of this case, the Board exercises its discretion to waive the civil penalty.

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

1. Henceforth, the respondent, if designated as a SFI filer within the meaning of § 1-83 (a) (1), shall timely file the SFI.

Approved by Order of the Citizen's Ethics Advisory Board at its regular meeting of July 18, 2013.



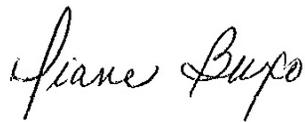
Diane Buxo, Acting Clerk of the Board

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
OFFICE OF STATE ETHICS
18-20 TRINITY STREET, SUITE 205
HARTFORD, CT 06106

DAPHNE A. DEEDS
55 WEST MORRIS ROAD
BANTAM, CT 06570

A handwritten signature in black ink that reads "Diane Buxo". The signature is written in a cursive, flowing style.

Diane Buxo, Acting Clerk of the Board