STATE OF CONNECTICUT
OFFICE OF STATE ETHICS

DOCKET NUMBER 2007-24	:	**OFFICE OF STATE ETHICS**
IN THE MATTER OF A	:	**18-20 TRINITY STREET**
COMPLAINT AGAINST	:	**HARTFORD, CT 06106**
PRISCILLA DICKMAN	:	**JANUARY 15, 2010**

CITIZEN'S ETHICS ADVISORY BOARD FINDING, MEMORANDUM AND ORDER

Following a public hearing, which was presided over by Judge Trial Referee ("JTR") James G. Kenefick, Jr., and held on September 11, 16, 24, 29, and November 10, 12, 2009, and January 5 and 12, 2010, the Citizen's Ethics Advisory Board issues the following decision setting forth its finding and reasons therefor, in the above-captioned complaint:

1. It is found that between 1978 and 2005 the respondent was an employee at the University of Connecticut Health Center ("UCHC"), an executive branch state agency.

2. It is found that at all times relevant to the amended complaint dated April 17, 2009 (hereinafter "complaint"), the respondent was employed as a Medical Technologist at the UCHC.

3. Connecticut General Statutes § 1-79 (m) defines "state employee" to include: "[a]ny employee in the executive ... branch of state government, whether in the classified or unclassified service and whether full or part-time ...."

4. It is concluded that the respondent, at all times relevant to the complaint, was a "state employee", within the definition of § 1-79 (m) and, therefore, subject to the Code of Ethics for Public Officials, Chapter 10, Part I, General Statutes.

5. Connecticut General Statutes § 1-84 (c) provides, in relevant part: "[n]o... state employee shall use his public office or position ... to obtain financial gain for himself ... or a business with which he is associated."

6. "Business with which he is associated" is defined at General Statutes § 1-79 (b), in relevant part, to mean:

> any sole proprietorship, partnership, firm, corporation, trust or other entity through which business for profit or not for profit is conducted in which the … state employee or member of his immediate family is a director, officer, owner, limited or general partner, beneficiary of a trust or holder of stock constituting five per cent or more of the total outstanding stock of any class ….

7. It is found that at all times relevant to the complaint, and by virtue of her employment at the UCHC, the respondent had access to the UCHC's state resources, including UCHC computers, email system, telephones, internet access and printers.

8. It is also found that at all times relevant to the complaint, the respondent, in addition to engaging in her state employment at the UCHC, owned and/or operated a private jewelry business, which was registered with the state Department of Revenue Services.

9. It is found that the jewelry business was operated under the respondent's own name and/or "Priscilla's Custom Designed Jewelry" and/or "Pricill's Custom Designed Jewelry" (hereinafter "jewelry business").

10. It is concluded that the jewelry business was a business with which the respondent was associated, within the meaning of § 1-79 (b), because such business was an entity through which business for profit was conducted and the respondent was an owner of such business.

11. It is found that the respondent, on multiple occasions, used her access to the UCHC's state resources in furtherance of her private jewelry business.

12. Specifically, it is found that the respondent, on state time, used the UCHC's state computers, email system, telephones, internet access and printers in furtherance of her private jewelry business.

13. It is further found that the respondent, even when not on state time, accessed and used the UCHC's email system from remote locations to conduct her private jewelry business.

14. It is also found that the jewelry business did not have a computer during 2004 and 2005, and that the respondent relied on, and used the state's computers to run her jewelry business.

15. It is also found that during 2004 and 2005 the respondent was a registered travel consultant and agent and operated with a travel agent identification number from the International Air Transport Association.

16. It is concluded that the travel consulting business was a business with which the respondent was associated, within the meaning of § 1-79 (b), because such business was an entity through which business for profit was conducted and the respondent was an owner of such business.

17. It is found that the respondent, during state time, used the UCHC's phones and email in furtherance of her travel consulting business.

18. It is concluded that the respondent's conduct described in paragraphs 11, 12, 13, 14, and 17 of the findings above, constituted a use of her public office or position, within the meaning of § 1-84 (c).

19. It is found that the respondent engaged in the conduct described in paragraphs 11, 12, 13, 14 and 17 of the findings above, to obtain financial gain, within the meaning of § 1-84 (c).

20. It is also found that such conduct resulted in financial gain for herself or a "business with which [s]he is associated", within the meaning of § 1-84 (c).

21. Specifically, it is found that the 2004 state tax records filed for Priscilla's Custom Designed Jewelry, which tax records are signed by the respondent, declare that such business had $14,315 in gross receipts for the direct sale of jewelry in 2004.

22. It is also found that the tax records further indicate gross receipts of $45,672.00 from indirect sales of jewelry.

23. It is further found that the respondent's 2005 state tax records reflect an amount of $850.00 reported in gross receipts from sales of goods.

24. It is further found that the respondent obtained financial gain by way of commissions from her travel consulting business.

25. In sum, it is found that the respondent obtained financial gain from a variety of sources, such as: a) revenues from her businesses, b) commissions, c) cash sources, d) tax benefits, and d) the avoidance of costs, which costs she would have incurred, had she not used the state's computers, email system, telephones, internet access and printers in furtherance of her private businesses.

26. It is further found that the respondent was advised that conducting non-UCHC business was prohibited and that the respondent continued to engage in such conduct.

27. Regarding the imposition of penalties, § 1-88 provides, in relevant part:

> (a) The board … shall have the authority to order the violator to … 3) pay a civil penalty of not more than ten thousand dollars for each violation of this part ….
>
> (d) Any person who knowingly acts in such person's financial interest in violation of section 1-84 … or any person who knowingly receives a financial advantage resulting from a violation of any of said sections shall be liable for damages in the amount of such advantage. If the board determines that any person may be so liable, it shall immediately inform the Attorney General of that possibility.

28. It is found that by engaging in the acts and course of conduct described in paragraphs 11, 12, 13, 14, and 17 of the findings above, the respondent knowingly acted in her own financial interest in violation of § 1-84 (c).

29. It is also found that by engaging in the acts and course of conduct described in paragraphs 11, 12, 13, 14, and 17 of the findings above, the respondent knowingly received financial advantage, resulting from a violation of § 1-84 (c).

30. Consequently, in accordance with § 1-88 (d), the respondent "shall be liable" for damages in the amount of the financial advantage.

CONCLUSION

Citizen's Ethics Advisory Board members G. Kenneth Bernhard, Chairman, Thomas H. Dooley, Vice Chairman, Dennis J. Riley, Ernest N. Abate, Rebecca M. Doty, Kathleen Bornhorst and Shawn T. Wooden having been physically present for the entire duration of the hearing in this matter, and having all deliberated and considered the record in this case as instructed by JTR James G. Kenefick, Jr., conclude as follows:

1. Respondent Priscilla Dickman violated Connecticut General Statutes § 1-84 (c) as alleged in Counts One and Three of the complaint.

2. Respondent Priscilla Dickman knowingly acted in her financial interest and knowingly received a financial advantage, within the meaning of Connecticut General Statutes § 1-88 (d) and as alleged in Counts Two and Four of the complaint.

3. No violation is found with respect to Counts Five and Seven of the complaint. Consequently with respect to the relief requested relative to Counts Six and Eight of the complaint no referral to the Attorney General is required.

The decision to find the violations described herein was unanimous on a concurrent vote of all seven of the above-described board members present and voting.

ORDER

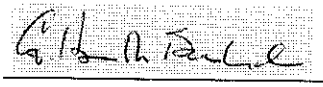
WHEREFORE, pursuant to its authority set forth at Connecticut General Statutes § 1-88, the Citizen's Ethics Advisory Board issues the following Order:

1. Forthwith, the respondent Priscilla Dickman shall pay a civil penalty of $10,000.00 with respect to the violation found in connection with Count One of the complaint;

2. Forthwith, the respondent Priscilla Dickman shall pay a civil penalty of $5,000.00 with respect to the violation found in connection with Count Three of the complaint;

3. Forthwith, the Office of State Ethics shall inform the Attorney General that respondent Priscilla Dickman may be liable for damages in accordance with § 1-88 (d).

By Order of the Citizen's Ethics Advisory Board



G. Kenneth Bernhard
Chairman

January 15, 2010

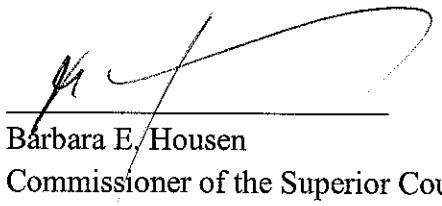
I hereby certify that a copy of the foregoing Finding and Order was sent today January 15, 2010, via facsimile, and certified mail, postage prepaid to counsel of record, as set forth below:

Attorney John Geida
Embry & Neusner
118 Poquonnock Road

P.O. Box 1409
Groton, CT 06340-1409
Fax (860) 449-9070

I further certify that a copy of the foregoing Finding and Order was hand-delivered today January 15, 2010, to counsel of record as set forth below:

Attorney Thomas Jones
Enforcement Officer
State of Connecticut, Office of State Ethics
18-20 Trinity Street, 2nd Floor
Hartford, CT 06106



Barbara E. Housen
Commissioner of the Superior Court