

NOTICE OF FINAL DECISION

In the Matter of a Complaint by

Ethics Enforcement Officer,
Office of State Ethics,

Complainant

against

Docket # 2009-9UP

Michael K. Sanders,

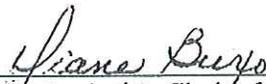
Respondent

January 28, 2010

TO: Ethics Enforcement Officer, Office of State Ethics; and Michael K. Sanders, 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 January 28, 2010.

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



Diane Buxo, Acting Clerk of the Board

In the Matter of a Complaint by

Final Decision

Ethics Enforcement Officer,
Office of State Ethics,

Complainant

Docket # 2009-9UP

against

Michael K. Sanders,

Respondent

January 28, 2010

The above-captioned matter was heard as a contested case on November 23, 2009, with the complainant appearing and presenting testimony, exhibits and argument on the complaint. Although the Office of State Ethics' ("OSE") records reflect that the Notice of Hearing in this matter was signed as "received" at the respondent's known legal address, the respondent failed to appear.

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, 2009, the complainant informed the respondent, by letter dated June 11, 2009, that a hearing on this matter was scheduled for July 14, 2009. It is found that the June 11, 2009 letter was accompanied by a formal Notice of Hearing, also dated June 11, 2009. Such notice was issued pursuant to the authority and jurisdiction vested in the OSE by General Statutes § 1-88 (b).
2. It is found that this matter did not proceed to a hearing on July 14, 2009, as noticed because the parties attempted to settle it without the need for a hearing; however, no resolution was reached.

3. It is found that by letter dated October 16, 2009, the hearing on this matter was re-noticed for November 23, 2009.
4. It is found that the June 11, 2009 notice of hearing and the October 16, 2009 re-notice of hearing informed the respondent that, if the OSE 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.
5. It is found that the respondent received timely notice of the hearing in this matter and that he communicated with the complainant by email on November 13th and 23rd, 2009, prior to the commencement of the hearing, regarding the upcoming November 23rd hearing.
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, 2009, a SFI form for calendar year 2008;
 - 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).
7. Section 1-83 (a) (1), provides, in relevant part:

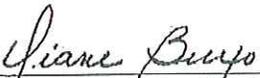
All . . . such members of the Executive Department and such employees of quasi-public agencies as the Governor shall require, shall file, under penalty of false statement, a statement of financial interests for the preceding calendar year with the Office of State Ethics on or before the May first next 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 Department of Public Works and, as such, a member of the executive department and a required SFI filer for calendar year 2008, within the meaning of § 1-83 (a) (1).

10. It is found that the respondent received notice of his designation as a required filer.
11. It is found that the respondent did not file the 2008 SFI form with the OSE on or before the first of May 2009 as required by § 1-83 (a) (1).
12. It is therefore concluded that the respondent violated § 1-83 (a) (1), by failing to file the required 2008 SFI form with the OSE on or before the first of May 2009.
13. It is found that the respondent filed the 2008 SFI form with the OSE on July 9, 2009, sixty nine (69) days late.
14. It is concluded that, under § 1-88 (b), the Board may impose on the respondent a maximum civil penalty of six hundred and ninety dollars (\$690.00), that is, ten dollars (\$10.00) per day for the sixty nine (69) days the form was late.

The following order 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 six hundred and ninety dollars (\$690.00).
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.



Diane Buxo, Acting Clerk of the Board