

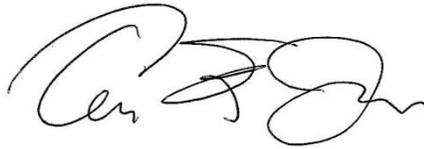
CONFIDENTIAL PURSUANT TO CONNECTICUT GENERAL STATUTES § 1-82a

DOCKET NUMBER 2014-21 : OFFICE OF STATE ETHICS
IN THE MATTER OF A : 18-20 TRINITY STREET
COMPLAINT AGAINST : HARTFORD, CT 06106
JAMES LISS : SEPTEMBER 2, 2014

NOTICE TO RESPONDENT OF COMPLAINT

Pursuant to Connecticut General Statutes section 1-82 (a), the Office of State Ethics hereby notifies you, the Respondent, that it will conduct a preliminary investigation to determine whether there is probable cause to believe that you have violated any provisions of the Code of Ethics, Conn. Gen. Stat. § 1-79 *et seq.*, as alleged in the attached Complaint filed on September 2, 2014 by the Office of State Ethics. This preliminary investigation is confidential unless you request that it be open.

During the preliminary investigation, you are entitled to a probable cause hearing provided that one is requested in writing. Any such hearing will be commenced within one hundred and twenty (120) days after receipt by the Office of State Ethics of the written request. As part of the preliminary investigation, such a hearing is confidential unless you request otherwise in writing. Any probable cause hearing will be governed by the provisions of the Uniform Administrative Procedure Act, Chapter 54, Connecticut General Statutes, and the Regulations of the State of Connecticut applicable to the Office of State Ethics. You have the right to appear at the hearing, to be heard, and to examine and cross-examine witnesses. You have the right to be represented by legal counsel.



Thomas K. Jones
Ethics Enforcement Officer
Office of State Ethics

CERTIFIED MAIL: 7012-460-0001-6830-8539

CONFIDENTIAL PURSUANT TO CONNECTICUT GENERAL STATUTES §1-82a

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COMPLAINT

COUNT ONE:

1. At all times relevant hereto, James Liss (hereinafter “Respondent” or “Liss”) was employed as a Building Superintendent at the Connecticut Military Department (hereinafter “Military Department”).
2. At all times relevant hereto, Respondent was a “State Employee” as that term is defined in General Statutes § 1-79 (13).
3. At all times relevant hereto, Respondent, by virtue of his state position, had access to gasoline and gasoline pumps owned by the state.
4. At all times relevant hereto, Respondent, by virtue of his state position, had access to state vehicles.
5. By no later than on or around 2010 and continuing through 2013, Respondent used his access to the state gasoline pumps to obtain gasoline for his personal use.
6. Respondent did not compensate the Military Department or any other state entity for the gasoline he obtained from state pumps for his own personal use.
7. During the same time period, Respondent repeatedly used a state vehicle for his personal use.
8. General Statutes § 1-84 (c) states in pertinent part:

No public official or state employee . . . shall use his public office or position . . . to obtain financial gain for himself
9. The Respondent, by using state gasoline and a state vehicle for his personal use, used his public office or position to obtain financial gain for himself, in violation of General Statutes § 1-84 (c).
10. Each time the Respondent used state gas, or a state vehicle, for his own personal use constitutes a distinct and separate violation of General Statutes § 1-84 (c).

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COUNT TWO:

- 1-9. Paragraphs 1-9 of Count One are reincorporated herein as paragraphs 1-9 of this Count Two.
10. General Statutes § 1-88 (d) states in pertinent part:

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.
11. By engaging in the acts set forth in Count One, Respondent knowingly acted in his own financial interest in violation of General Statutes § 1-84 (c) and/or knowingly received a financial advantage resulting from a violation of General Statutes § 1-84 (c), thereby violating General Statutes § 1-88 (d).

COUNT THREE:

- 1-2. Paragraphs 1 and 2 of Count One are reincorporated herein as paragraphs 1 and 2 of this Count Three.
3. On one occasion in February 2013 and on one occasion in December 2013, Respondent sold copper scrap metal to a Connecticut metal recycling center.
4. The copper scrap metal that Respondent sold originated from structures belonging to the State of Connecticut.
5. Respondent directed subordinate state employees to assist in gathering the scrap metal and transporting it to a metal recycling center.
6. Respondent received payment from the metal recycling center in exchange for the scrap metal.
7. After Respondent sold scrap metal to the metal recycling center in December 2013, he paid the subordinate employees who assisted in gathering and transporting the metal for their efforts.
8. Respondent did not provide the money he received for the scrap metal to the Military Department or any other state entity.
9. Respondent did not use the money he received for the scrap metal for any state purpose.

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10. General Statutes § 1-84 (c) states in pertinent part:

No public official or state employee . . . shall use his public office or position . . . to obtain financial gain for himself

11. The Respondent, by selling scrap metal belonging to the Military Department for money that he received personally, used his public office or position to obtain financial gain for himself, in violation of General Statutes § 1-84 (c).

COUNT FOUR:

- 1-11. Paragraphs 1-11 of Count Three are reincorporated herein as paragraphs 1-11 of this Count Four.

12. General Statutes § 1-88 (d) states in pertinent part:

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.

13. By engaging in the acts set forth in Count Three above, Respondent knowingly acted in his own financial interest in violation of General Statutes § 1-84 (c) and/or knowingly received a financial advantage resulting from a violation of provision(s) of the Code of Ethics for Public Officials, thereby violating General Statutes § 1-88 (d).

COUNT FIVE:

- 1-4. Paragraphs 1-4 of Count Three are reincorporated herein as paragraphs 1-4 of this Count Five.

12. Respondent directed subordinate employees to assist in gathering scrap metal belonging to the state to be sold for private gain.

13. General Statutes § 1-84 (q) states:

No public official or state employee shall intentionally counsel, authorize or otherwise sanction action that violates any provision of this part.

14. By directing subordinate employees to gather scrap metal belonging to the State of Connecticut to be sold for private gain, Respondent intentionally counseled, authorized

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or otherwise sanctioned actions that violated General Statutes § 1-84 (c), thereby violating General Statutes § 1-84 (q).

COUNT SIX:

- 1-2. Paragraphs 1 and 2 of Count One are reincorporated herein as paragraphs 1 and 2 of this Count Six.
3. Beginning no later than on or around 2010, Respondent directed two subordinate employees to cut down trees on Military Department property.
4. Respondent directed subordinate employees to use state vehicles to transport the wood from Military Department property to Respondent's house during time in which the subordinate employees were being paid by the state to perform state work.
5. Respondent did not compensate the State for the value of the wood, the use of state vehicles, or for the value of the time used by subordinate employees to transport the wood to his house.
6. General Statutes § 1-84 (c) states in pertinent part:

No public official or state employee . . . shall use his public office or position . . . to obtain financial gain for himself
7. The Respondent, through his conduct as described in paragraphs 3 through 5 in this Count, used his public office or position to obtain financial gain for himself, in violation of General Statutes § 1-84 (c).

COUNT SEVEN:

- 1-7. Paragraphs 1-7 of Count Six are reincorporated herein as paragraphs 1-7 of this Count Seven.
8. General Statutes § 1-88 (d) states in pertinent part:

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.
9. By engaging in the acts set forth in Count Six, Respondent knowingly acted in his own financial interest in violation of General Statutes § 1-84 (c) and/or knowingly received a

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financial advantage resulting from a violation of General Statutes § 1-84 (c), thereby violating General Statutes § 1-88 (d).

COUNT EIGHT:

- 1-2. Paragraphs 1 and 2 of Count One are reincorporated herein as paragraphs 1 and 2 of this Count Four.
3. Beginning no later than on or around 2011 and continuing through no earlier than 2013, Respondent directed a subordinate employee to falsify Military Department time sheets in order to inflate the amount of overtime hours that Respondent and the subordinate employee worked.
4. In addition, Respondent falsified Military Department time sheets to indicate that he was present at work when he was in fact absent and authorized subordinate employees to do the same.
5. Respondent was compensated for the falsified time entered into time sheets on his behalf.
6. General Statutes § 1-84 (c) states in pertinent part:

No public official or state employee . . . shall use his public office or position . . . to obtain financial gain for himself
7. The Respondent, by falsifying time sheets and/or directing a subordinate employee to falsify time sheets to indicate that Respondent had worked when in fact he did not, used his public office or position to obtain financial gain for himself, in violation of General Statutes § 1-84 (c).
8. Each time Respondent, or a person under his direction, falsified Respondent's time sheet constitutes a separate and distinct violation of General Statutes § 1-84 (c).

COUNT NINE:

- 1-7. Paragraphs 1-7 of Count Eight are reincorporated herein as paragraphs 1-7 of this Count Nine.
8. General Statutes § 1-88 (d) states in pertinent part:

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

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said sections shall be liable for damages in the amount of such advantage.

9. By engaging in the acts set forth above in this Count Nine, Respondent knowingly acted in his own financial interest in violation of General Statutes § 1-84 (c) and/or knowingly received a financial advantage resulting from a violation of General Statutes § 1-84 (c), thereby violating General Statutes § 1-88 (d).

COUNT TEN:

- 1-5. Paragraphs 1-5 of Count Eight are reincorporated herein as paragraphs 1-7 of this Count Ten.
6. The subordinate employees were compensated for time based on the false time records authorized by the Respondent.
7. General Statutes § 1-84 (q) states:

No public official or state employee shall intentionally counsel, authorize or otherwise sanction action that violates any provision of this part.
8. By directing a subordinate employee to inflate the subordinate employee's overtime hours and by authorizing a subordinate employee to falsify their own time sheets to indicate that the employee worked when they in fact did not, Respondent counseled, authorized or otherwise sanctioned actions that violated provision(s) of the Code of Ethics for Public Officials, thereby violating General Statutes § 1-84 (q).

PRAYER FOR RELIEF

WHEREFORE, the Office of State Ethics prays for the following relief:

1. Pursuant to General Statutes § 1-88(a) (1), an Order mandating that the Respondent, James Liss, cease and desist from any future violation of General Statutes § 1-84 (c).
2. Pursuant to General Statutes § 1-88(a) (1), an Order mandating that the Respondent, James Liss, cease and desist from any future violation of General Statutes § 1-84 (q).
3. Pursuant to General Statutes § 1-88(a) (3), an Order mandating the payment of civil penalties to the State, not to exceed \$10,000, for each violation of General Statutes § 1-84 (c).
4. Pursuant to General Statutes § 1-88(a) (3), an Order mandating the payment of civil

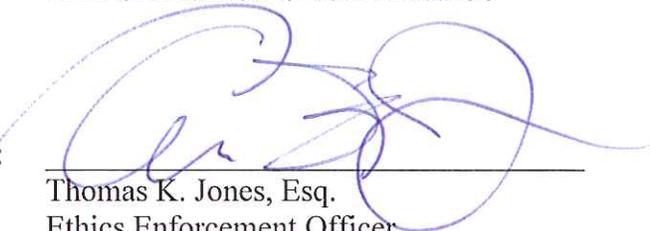
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penalties to the State, not to exceed \$10,000, for each violation of General Statutes § 1-84 (q).

5. Pursuant to General Statutes § 1-88 (d), a determination by the Citizen's Ethics Advisory Board that, for each violation alleged in Counts Two, Four, Seven and Nine, Respondent knowingly acted in his own financial interest and/or knowingly received a financial advantage resulting from the violation.

Dated at Hartford, Connecticut this 2nd day of September, 2014.

THE OFFICE OF STATE ETHICS

BY: 

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