

AUG 11 2014
OFFICE OF STATE ETHICS
By _____

OFFICE OF STATE ETHICS

DOCKET NUMBER 2013-34 : OFFICE OF STATE ETHICS
: :
IN THE MATTER OF A : 18-20 TRINITY STREET
: :
COMPLAINT AGAINST : HARTFORD, CT 06106
: :
ELDON G. PORTER : September 2, 2014

STIPULATION AND CONSENT ORDER

Pursuant to the Code of Ethics, General Statutes § 1-79, et seq., Thomas K. Jones, Ethics Enforcement Officer for the Office of State Ethics (“OSE”), issued a Complaint against the Respondent Eldon G. Porter (“Porter” or “Respondent”) for violations of the Code of Ethics, General Statutes § 1-84 (c). Based on the investigation by the Enforcement Division of the OSE, the Ethics Enforcement Officer finds there is probable cause to believe that the Respondent, who was a Connecticut State employee, violated the Code of Ethics as set forth in the Complaint.

The Parties have entered into this Stipulation and Consent Order following the issuance of the Complaint, but without any adjudication of any issue of fact or law herein.

I. STIPULATION

The Office of State Ethics and the Respondent stipulate to the following facts:

1. The Connecticut Health Insurance Exchange, d/b/a Access Health CT (hereinafter “AHCT”) is a quasi-public agency as defined by General Statutes § 1-79 (l). AHCT is the health insurance marketplace being developed by the State of Connecticut to satisfy the requirements of and implement the federal Affordable Care Act.

2. At all times relevant hereto, the Respondent was employed by AHCT and, as such, was a “state employee,” as that term is defined by General Statutes §1-79 (m).

3. As part of his job duties as a state employee, the Respondent was charged with assisting in the development of a “savings calculator” program for AHCT to post on its website. Toward this end, AHCT provided the Respondent with the proprietary source code data.

4. In the course of developing the “savings calculator,” the Respondent was required to share information and data with a state contractor responsible for marketing the state’s insurance exchange.

5. Although the Respondent initially shared information and data with the state contractor, on or about March 25, 2013, the Respondent demanded that the state contractor provide personal financial compensation directly to the Respondent in order to receive further information and data.

6. Pursuant to General Statutes § 1-84 (c),

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

7. During and because of his employment with AHCT, Respondent had access to data regarding the “savings calculator” that AHCT planned on integrating into its state website. By using this data to try to be personally compensated financially, the Respondent used his public office or position to attempt to obtain financial gain for himself, a violation of § 1-84 (c) of the Code of Ethics.

8. Respondent admits to the foregoing facts and admits that such facts constitute violations of the Code of Ethics, General Statutes § 1-84 (c).

II. RESPONDENT'S POSITION

1. The Respondent acknowledges that he received proprietary source code from AHCT related to a "savings calculator," so that, as part of his state position, he could advise the state contractor charged with the development of a "savings calculator" for AHCT. The Respondent states that he provided his assistance and informed the state contractor of changes to the federal regulations related to the "savings calculator." Respondent states that the state contractor released a "savings calculator" on the public website for AHCT in January 2013 and continued to make improvements to that calculator.

2. The Respondent states that he also developed a "savings calculator." The Respondent acknowledges that his "savings calculator" was similar to the AHCT "savings calculator," but states that the "savings calculator" that he developed performed different calculations than the "savings calculator" developed to post on the AHCT website.

3. The Respondent denies the allegations of the Complaint.

4. The Respondent has already been subjected to disciplinary action by AHCT and as such, is no longer a state employee. Furthermore, in order to avoid what he believes would be costly and lengthy legal proceedings, the Respondent agrees to settle this matter.

III. JURISDICTION

1. The Ethics Enforcement Officer is authorized to investigate the Respondent's acts as set forth herein, to issue a Complaint against the Respondent, and to enter into this Stipulation and Consent Order.

2. The provisions of this Stipulation and Consent Order apply to and are binding upon the Respondent.

3. The Respondent hereby waives all objections and defenses to the jurisdiction of the Office of State Ethics over matters addressed in this Stipulation and Consent Order.

4. The Respondent waives any rights he may have under General Statutes §§ 1-80, 1-82, 1-82a, 1-87 and 1-88, including the right to a hearing or appeal in this case, and agrees with the Office of State Ethics to an informal disposition of this matter as authorized by General Statutes § 4-177 (c).

5. The Respondent consents to jurisdiction and venue in the Connecticut Superior Court, Judicial District of Hartford, in the event that the State of Connecticut seeks to enforce this Stipulation and Consent Order. The Respondent recognizes that the Connecticut Superior Court has the authority to specifically enforce the provisions of this Stipulation and Consent Order, including the authority to award equitable relief.

6. The terms set forth herein are in addition to, and not in lieu of, any other existing or future statutory, regulatory, or other legal obligation that may be applicable to the Respondent.

7. The Respondent understands that he has the right to counsel and has been represented by counsel throughout the investigation and the negotiation of this Consent Order.

IV. ORDER

NOW THEREFORE, pursuant to General Statutes § 4-177 (c), the Office of State Ethics hereby **ORDERS**, and the Respondent agrees, that:

1. Pursuant to General Statutes § 1-88 (a) (1), the Respondent will heretofore cease and desist from any future violation of General Statutes § 1-84 (c).

2. Pursuant to General Statutes § 1-88 (a) (3), the Respondent will pay a civil penalty to the State in the amount of six hundred dollars (\$600) for his alleged violation of General Statutes § 1-84 (c) as set forth in the Complaint.

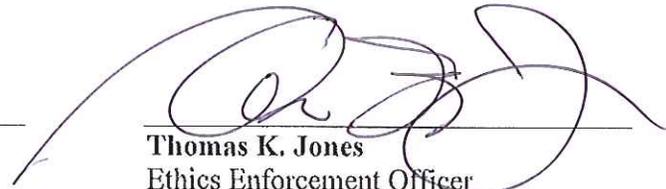
WHEREFORE, the Ethics Enforcement Officer and the Respondent hereby execute this Stipulation and Consent Order dated September 2 2014.

Dated: 9/2/2014



Eldon G. Porter
3825 Eastern Avenue, Apt. 2
Cincinnati, OH 45226-2184

Dated: 9/3/2014



Thomas K. Jones
Ethics Enforcement Officer
Connecticut Office of State Ethics
18-20 Trinity Street
Hartford, CT 06106
(860) 263-2390