



OFFICE OF STATE ETHICS

DOCKET NUMBER 2016-50	:	OFFICE OF STATE ETHICS
	:	
IN THE MATTER OF A	:	18-20 TRINITY STREET
	:	
COMPLAINT AGAINST	:	HARTFORD, CT 06106
	:	
PHILIP COHEN	:	JUNE 29, 2017

STIPULATION AND CONSENT ORDER

Pursuant to the Code of Ethics, General Statutes §§ 1-79, et seq., Thomas Jones, Ethics Enforcement Officer (“EEO”), filed a Complaint against the Respondent Philip Cohen (“Cohen” or “Respondent”), alleging violations of the Code of Ethics, Connecticut General Statutes § 1-84b (b). Based on the preliminary investigation by the Enforcement Division of the Office of State Ethics (“OSE”), the OSE finds there is probable cause to believe that the Respondent violated the Code of Ethics as further set forth herein.

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

I. STIPULATION

The EEO and the Respondent stipulate to the following facts:

1. On or about January 1, 2016, Respondent retired from state service and was thereafter a “former state employee.”
2. Within one year of January 1, 2016, Respondent accepted employment with a Watertown, Massachusetts company that was registered to conduct business in Connecticut (the “Massachusetts business”).
3. Within one year of January 1, 2016, and within one year of his leaving state service, Respondent contacted his former state agency, the Department of Transportation (“DOT”), on behalf of the Massachusetts business, on more than one occasion, to solicit information and assistance on contracts that were held, or being sought, by the Massachusetts business.
4. Respondent was compensated by the Massachusetts business in his function as an employee in his solicitation of information and assistance from the DOT.
5. The state has a substantial interest in the awarding and management of state contracts.
6. General Statutes § 1-84b (b) states in pertinent part:

No former . . . state employee shall, for one year after leaving state service, represent anyone, other than the state, for compensation before the department, agency, board, commission, council or office in which he served at the time of his termination of service, concerning any matter in which the state has a substantial interest.

7. The Respondent, by engaging in the acts set forth above, represented someone other than the state for compensation before the DOT within one year of his departure from state service, in a matter in which the state had a substantial interest, in violation of General Statutes § 1-84b (b).

8. Each time Respondent represented the Massachusetts business for compensation before the DOT, as set forth above, constitutes a separate and distinct violation of General Statutes § 1-84b (b).

II. RESPONDENT'S POSITION

1. Respondent states that he believed that his contacts with DOT were "technical work" or "general inquiries" and that, as such, the contacts fell within an exception to General Statutes §1-84b (b). Respondent states that he now understands that his contacts did not fall within an exception to the statute, and has ceased all contacts with DOT on behalf of the Massachusetts business until such time as he has been separated from state employment for a year.

2. Respondent states that his violation of the Code of Ethics was inadvertent and that, at all times, he believed that he was complying with all Connecticut rules, regulations and laws.

3. Respondent states that he has never been the subject of an Ethics investigation prior to this, and has cooperated with the OSE throughout the preliminary investigation.

III. JURISDICTION

1. The EEO is authorized to investigate the Respondent's acts as set forth herein, 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 Ethics Enforcement Officer 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 EEO 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 a right to counsel and has been represented by counsel during the OSE's investigation, and in connection with this Stipulation and Consent Order.

IV. ORDER

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

1. Pursuant to General Statutes § 1-88 (a) (1), Respondent will cease and desist from any future violations of General Statutes § 1-84b (b).
2. The Respondent will pay a civil penalty in the amount of Three Thousand Dollars (\$3,000.00) for his violation of General Statutes § 1-84b (b) as set forth in the Complaint and herein.

WHEREFORE, the Ethics Enforcement Officer and the Respondent hereby execute this Stipulation and Consent Order dated June 27, 2017.

Dated: 6/27/17


Philip Cohen

Dated: 6/29/17


Thomas K. Jones
Ethics Enforcement Officer
Connecticut Office of State Ethics
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