



STATE OF CONNECTICUT OFFICE OF STATE ETHICS

DOCKET NUMBER 2017-15 : **OFFICE OF STATE ETHICS**
IN THE MATTER OF A : **18-20 TRINITY STREET**
COMPLAINT AGAINST : **HARTFORD, CT 06106**
CHARMANE THURMAND : **MARCH 7, 2019**

CITIZEN'S ETHICS ADVISORY BOARD **FINDING, MEMORANDUM, AND ORDER**

Following a public hearing on the above-captioned complaint (dated February 9, 2018, and as amended on April 25, 2018) that was presided over by Judge Trial Referee James G. Kenefick, Jr., and that was commenced on October 25, 2018, continued on October 26, 2018, and January 24, 2019, and concluded on February 28, 2019, the Citizen's Ethics Advisory Board ("Board") issues this unanimous decision, setting forth its finding and reasons therefor:

1. It is found that, between October 2012 and February 2017, Charmane Thurmand ("Respondent") was employed as a Graduate Diversity Officer ("GDO") at the Graduate School ("Graduate School") of the University of Connecticut ("UConn").

2. General Statutes § 1-79 (13) defines "State employee," in relevant part, to mean "any employee in the executive . . . branch of state government, whether in the classified or unclassified service and whether full or part-time . . ."

3. It is concluded that, at all relevant times, Respondent was a "State employee," as defined in § 1-79 (13), and was thus subject to the Code of Ethics for Public Officials.

4. It is found that, as part of her GDO duties, Respondent assisted the Graduate School in its awarding of diversity fellowships.

5. It is found that, during Respondent's employment as GDO, the Graduate School awarded two such fellowships: (a) the Giolas-Harriott Fellowship ("GHF"), which accepted only incoming doctoral candidates who had been nominated by Graduate School faculty or their designee(s); and (2) the Crandall-Cordero Fellowship ("CCF"), which accepted both masters and doctoral candidates who had been so nominated.

6. It is found that, at all relevant times, GHF and CCF recipients received financial and other benefits.

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7. It is found that, at all relevant times, the UConn Graduate School Diversity Committee (“Selection Committee”) was solely responsible for selecting GHF and CCF recipients.

8. It is found that, at all relevant times, Respondent, as part of her state duties, facilitated the Selection Committee’s diversity fellowship selection process, performing tasks related to the nomination and selection of, and awarding of benefits to, fellowship recipients.

9. It is found that, in 2016, the Selection Committee received and reviewed the application packages of GHF nominees, selected several of them as GHF recipients, and subsequently informed Respondent of the recipients’ names.

10. It is found that, in 2016, the person who was, at all relevant times, Respondent’s spouse (“Respondent’s Spouse”) was a candidate for a one-year Master of Arts degree in UConn’s Digital Media and Design (“DMD”) department.

11. It is found that, in 2016, Respondent’s Spouse was not nominated by the DMD department, or by any other graduate faculty or their designee(s), for the GHF or CCF.

12. It is found that, in 2016, Respondent’s Spouse was not eligible to receive the GHF or CCF, was not considered by the Selection Committee to receive the GHF or CCF, and was not chosen by the Selection Committee to receive the GHF or CCF.

13. It is found that, after the Selection Committee chose recipients for the GHF in 2016, Respondent took the following actions in her official capacity that resulted in Respondent’s Spouse receiving the GHF:

- a. She added Respondent’s Spouse’s name to the list of GHF recipients.
- b. She directed the DMD department to process Respondent’s Spouse’s GHF so he would not be charged with tuition to attend UConn.
- c. She directed the DMD department to offer Respondent’s Spouse employment as a graduate assistant that was to be paid for by the Graduate School.
- d. She determined that Respondent’s Spouse should not be required to do any substantive work in his graduate assistantship and instructed the DMD department that he should be paid for such assistantship simply for doing his schoolwork.
- e. She directed the DMD department to provide her with documents related to Respondent’s Spouse’s GHF so she could ensure he would be paid by the Graduate School.
- f. She directed the DMD department to process paperwork so that Respondent’s Spouse would receive a \$2000 stipend during the summer after his one-year DMD program had concluded (i.e., the summer of 2017).
- g. She instructed the DMD department to contact her directly with questions about Respondent’s Spouse’s status and fellowship.

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h. She approved and signed one or more UConn payroll authorization forms that entitled Respondent's Spouse to be paid as a UConn employee for his graduate assistantship.

i. She used state e-mail and telephone resources to carry out the above actions.

14. It is found that the Selection Committee did not authorize or approve the actions taken by Respondent that resulted in Respondent's Spouse receiving the GHF in 2016.

15. It is found that Respondent's superiors at UConn did not authorize the actions set forth in Paragraph 13.

16. It is found that Respondent was trained in UConn's policies and procedures with respect to conflicts of interest and applicable state law.

17. It is found that, as a direct result of actions taken by Respondent in the course of, and by virtue of, her state position, Respondent's Spouse received the GHF in 2016.

18. It is found that, as a direct result of actions taken by Respondent in the course of, and by virtue of, her state position, Respondent's Spouse received financial gain from the Graduate School greater than \$53,000, in the form of tuition waiver, cash stipends, and graduate assistant pay, as well as other tangible and intangible benefits.

19. General Statutes § 1-84 (c) provides, in relevant part: "no . . . state employee shall use his public office or position . . . to obtain financial gain for himself, [or] his spouse . . ."

20. It is concluded that Respondent, by using the authority and resources obtained by virtue of her state position for Respondent's Spouse's financial benefit, used her state position to obtain financial gain for Respondent's Spouse, in violation of § 1-84 (c).

21. General Statutes § 1-85 provides, in relevant part:

A . . . state employee has an interest which is in substantial conflict with the proper discharge of his duties or employment in the public interest and of his responsibilities as prescribed in the laws of this state, if he has reason to believe or expect that . . . his spouse . . . will derive a direct monetary gain . . . by reason of his official activity.

22. It is concluded that Respondent's actions, as set forth above, constitute a substantial conflict under § 1-85.

23. General Statutes § 1-84 (a) provides, in relevant part:

No . . . state employee shall, while serving as such, have any financial interest in, or engage in, any . . . transaction or professional activity, which is in substantial conflict with the proper discharge of his duties or employment in the public interest and of his responsibilities as prescribed in the laws of this state, as defined in section 1-85.

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24. It is concluded that, by having a substantial conflict under § 1-85 (as concluded above), Respondent engaged in a transaction or professional activity that was in substantial conflict with the proper discharge of her duties or employment in the public interest and of her responsibilities as prescribed in the laws of this state, in violation of § 1-84 (a).

25. General Statutes § 1-88 (d) provides, in relevant part: “any person who knowingly receives a financial advantage resulting from a violation of [§§ 1-84 or 1-85] 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.”

26. It is concluded that Respondent’s Spouse may be so liable for knowingly receiving a financial advantage resulting from Respondent’s violation of §§ 1-84 and 1-85.

27. As for the imposition of a penalty, § 1-88 (a) provides, in relevant part: “The board, upon a finding made pursuant to section 1-82 that there has been a violation of any provision of this part . . . 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”

28. The Board determines that the civil penalty recommended by the Office of State Ethics enforcement division—\$10,000 for Respondent’s violation of § 1-84 (a) and \$10,000 for Respondent’s violation of § 1-84 (c)—is warranted.

CONCLUSION

Citizen’s Ethics Advisory Board members Dena Castricone (Chair), Mary Bigelow, Charles F. Chiusano, Jason K. Farrell, Cheryl Lipson, Beth Cook, Richard D. Lang, and Nichelle Mullins, having been physically present for the duration of the hearing in this matter, and having deliberated and considered the record in this matter, conclude, unanimously, as follows:

1. Respondent violated § 1-84 (c), as alleged in Count One of the amended complaint.
2. Respondent violated § 1-84 (a), as alleged in Count Three of the amended complaint.
3. Respondent’s Spouse may be liable for damages pursuant to § 1-88 (d), as alleged in Count Two of the amended complaint.

ORDER

Wherefore, pursuant to its authority set forth in § 1-88, the Citizen’s Ethics Advisory Board issues the following Order:

1. Forthwith, Respondent shall pay a civil penalty of \$10,000 with respect to the violation of § 1-84 (c) as set forth in Count One of the amended complaint.
2. Forthwith, Respondent shall pay a civil penalty of \$10,000 with respect to the violation of § 1-84 (a) as set forth in Count Three of the amended complaint.

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3. Forthwith, the Office of State Ethics shall inform the Attorney General that Respondent's Spouse may be liable for damages under § 1-88 (d).

By Order of the Citizen's Ethics Advisory Board

A handwritten signature in black ink, appearing to read "D. M. Castricone", with a long horizontal flourish extending to the right.

Dena Castricone, Chair
March 7, 2019

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I hereby certify that a copy of the foregoing Finding, Memorandum, and Order was sent on March 8, 2019, via certified mail, postage prepaid, to counsel of record, as set forth below:

Attorney Justin Sargis
Law Office of Justin J. Sargis, LLC
67 Russ Street
Hartford, CT 06106

I further certify that a copy of the foregoing Finding, Memorandum, and Order was hand-delivered on March 8, 2019, to counsel of record, as set forth below:

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

A handwritten signature in blue ink, appearing to read "B. J. O'Dowd". The signature is written in a cursive, somewhat stylized font.

Brian J. O'Dowd
Commissioner of the Superior Court