

DOCKET NUMBER 2008-9) OFFICE OF STATE ETHICS
)
IN THE MATTER OF A) 18-20 TRINITY STREET
)
COMPLAINT AGAINST) HARTFORD, CT 06106
)
JAMES SWARD) MARCH 2, 2010

STIPULATION AND CONSENT ORDER

Pursuant to the Code of Ethics, Conn. Gen. Stat. §§ 1-79, *et seq.*, Thomas K. Jones, Ethics Enforcement Officer for the Office of State Ethics (“OSE”), issued a complaint (“Complaint”) against the respondent James Sward (“Respondent”) for a violation of the Code of Ethics, Connecticut General Statutes §1-80 (c). Based on the findings of an investigation by the Enforcement Division of the OSE and based further on the admission of the Respondent as set forth herein, the Ethics Enforcement Officer was prepared to prove at a hearing of the Citizens’ Ethics Advisory Board that the Respondent, while employed as a Public Defender in the Public Defender’s Office at the Bristol Superior Court, used his access to restitution funds and diverted the monies meant for crime victims for his own personal use.

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

I. STIPULATION

The Ethics Enforcement Officer and Respondent hereby stipulate to the following facts:

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1. Beginning no later than July 1, 2004, and continuing through at least August 22, 2006, the Respondent, James R. Sward (hereinafter “Sward” or “Respondent”), was employed as a Public Defender in the Public Defender’s Office at the Bristol Superior Court.

2. At all times relevant hereto, the Respondent was a “State Employee” as that term is defined in General Statutes § 1-79 (m).

3. As a Public Defender, the Respondent had access to funds paid by criminal defendants that were intended to provide restitution to victims of crimes.

4. The Respondent used his access to the restitution funds to divert monies meant for crime victims for his own personal use.

5. Pursuant to General Statutes § 1-84 (c):

[N]o public official or state employee shall use his public office or position . . . to obtain financial gain for himself

6. By engaging in the course of conduct described herein, the Respondent violated General Statutes § 1-84 (c).

7. By engaging in the course of conduct described herein, the Respondent knowingly acted in his own financial interest and/or knowingly received financial advantage, thereby violating General Statutes § 1-88 (d).

8. Respondent admits to all the facts set forth herein and admits that, by engaging in the conduct set forth herein, the Respondent violated General Statutes § 1-84 (c).

IV. JURISDICTION

1. The Ethics Enforcement Officer is authorized to investigate the Respondent's conduct, 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 undersigned Parties.

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 §§ 1-82, 1-82a, 1-87 and 1-80, including the right to a hearing or appeal in this case, and agrees with the Ethics Enforcement Officer 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 Respondent understands that he has the right to counsel and has been represented by counsel of his choosing throughout.

V. ORDER

NOW THEREFORE, pursuant to General Statutes § 4-177(c), the Office of State Ethics hereby **ORDERS** as follows:

1. Pursuant to General Statutes § 1-88 (a) (3), the Office of State Ethics orders and the Respondent agrees that the Respondent pay civil penalties to the State in the amount of three thousand dollars (\$3,000.00) for his violation of the Code of Ethics as set forth in the Complaint.

2. Pursuant to General Statutes § 1-88 (a) (1), the Office of State Ethics orders and the Respondent agrees that the Respondent will cease and desist from engaging in any further violation of the Code of Ethics.

3. The Respondent shall not seek state employment or a contract from the state for a period of two years following the execution of this Stipulation and Consent Order.

4. The Respondent shall not enter into, or seek, any state contract for services for a period of two years following the date of the execution of this Stipulation and Consent Order.

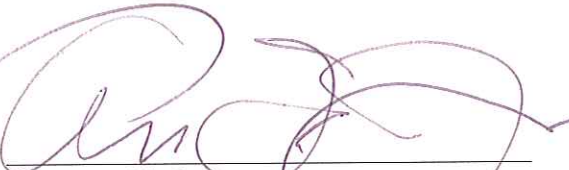
WHEREFORE, the Ethics Enforcement Officer and the Respondent hereby execute this Stipulation and Consent Order dated March 2, 2010.

Dated: 3-8-10



James Sward
Respondent,
130 Jefferson Avenue, Apt. U 1
Bristol, CT 06010

Dated: 3/10/10



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