



STATE OF CONNECTICUT
STATE ETHICS COMMISSION

press release

May 6, 1983

On October 29, 1982, the Ethics Commission's Investigator filed a complaint (Docket No. 82-3) against Mr. Everett O'Keefe, a member of the State Employees' Retirement Commission. The Complaint alleged that Mr. O'Keefe had violated provisions of the Code of Ethics for Public Officials in connection with his 1980 application to the State Employees' Retirement Commission to purchase retirement credit for out-of-state service. On December 10, 1982, the Ethics Commission commenced a confidential probable cause hearing on the Complaint. On February 2, 1983, the Commission completed the hearing and deliberations on the matter. It found probable cause to believe that Mr. O'Keefe had committed three violations of subsection 1-84(c) of the Code of Ethics, which prohibits use of one's public office for personal financial gain.

As provided by the Uniform Administrative Procedure Act, and consistent with Ethics Commission policy, the Commission directed its attorneys to attempt to negotiate a settlement of the case with Mr. O'Keefe's attorney. As a result of these negotiations, a stipulation and order was agreed upon and signed by Mr. O'Keefe on April 18, 1983 and by Commission Chairperson Lucille Brown on May 6, 1983. This agreement concludes the Ethics Commission's investigation into the matter. A copy of the Stipulation and Order is attached.

FOR FURTHER INFORMATION CALL:
Alan Plofsky, Esq. 566-4472
Ethics Commission Investigator

Phone: (203) 566-4472
30 Trinity Street • Hartford, Connecticut 06115
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DOCKET NO. 82-3 : STATE ETHICS COMMISSION
IN THE MATTER OF A COMPLAINT BY :
ALAN S. PLOFSKY : 30 TRINITY STREET
VS. : HARTFORD, CONNECTICUT 06106
EVERETT G. O'KEEFE : May 6, 1983

STIPULATION AND ORDER

Whereas, the State Ethics Commission has found, with reference to the facts contained in the Complaint of Plofsky vs. O'Keefe, a copy of which is attached as Exhibit A, that probable cause exists to believe that the respondent, Everett G. O'Keefe, violated Chapter 10, Part I, of the Connecticut General Statutes as per the "Notice of Termination of Preliminary Investigation and Results Thereof" hereto attached as Exhibit B, the respondent agrees with the State Ethics Commission to an informal disposition of this matter as permitted by Section 4-177(d) of the General Statutes upon the following terms:

1. The Commission finds that there were no willful or intentional violations of the Ethics Code, but that the violations for which probable cause was found to exist were the result of the respondent's negligence, and not the result of any willful or intentional misconduct on his part.

2. With hindsight, the respondent admits that his actions can be viewed as an unintentional use of his public office in violation of subsection 1-84(c) of the General Statutes.

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3. The respondent agrees to send a letter, a copy of which is attached hereto as Exhibit C, to the State Employees' Retirement Commission formally requesting:

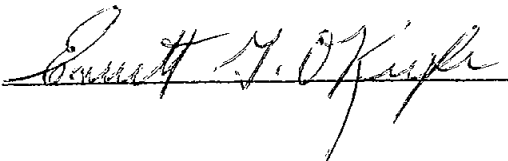
- (a) reconsideration of his application for retirement benefits which gave rise to the complaint in this matter; and
- (b) that the Retirement Commission seek an Attorney General's opinion on the legal merit of his application.

4. The respondent's obligation contained in Paragraph No. 3 of this Stipulation shall be fulfilled when the respondent submits the letter, Exhibit C, to the State Retirement Commission. Any subsequent action taken by the Retirement Commission or by the Attorney General would have no effect on this agreement.

5. The respondent remains free to submit additional evidence and/or legal argument to the Retirement Commission incident to any reconsideration of his application.

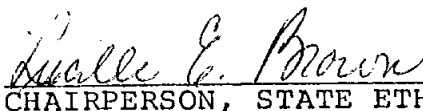
6. The respondent waives any rights he may have under the General Statutes to a further hearing in this case.

Wherefore, the Commission and the respondent agree to resolve this matter in accordance with the foregoing terms of this Stipulation and the Commission agrees to forego any further legal action or proceedings which by law it may otherwise be authorized to take.



DATED April 18, 1983

BY ORDER OF THE COMMISSION


CHAIRPERSON, STATE ETHICS COMMISSION

DATED

6 May 1983

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STATE OF CONNECTICUT
STATE ETHICS COMMISSION

CONFIDENTIAL

Docket Number 82-3
In The Matter Of A
Complaint By
Alan Plofsky
vs.
Everett O'Keefe

AMENDMENT TO COMPLAINT

I hereby amend the Complaint filed on October 29, 1982 as follows:

Paragraph 3, line 1, strike "early".

Alan Plofsky
Alan S. Plofsky, Esq.

12/6/82
Date

CONNECTICUT STATE ETHICS COMMISSION
 30 TRINITY STREET
 HARTFORD, CONNECTICUT 06115
 Telephone Number 566-4472

COMPLAINT

I wish to register with the State Ethics Commission a complaint alleging a violation of:

 X The Code of Ethics for Public Officials and State Employees, Chapter 10, Part I, General Statutes

 The Code of Ethics for Lobbyists, Chapter 10, Part II, General Statutes

Time and date matters complained of occurred:*
 Between October 30, 1979 and April 20, 1982

Place alleged violation occurred:
 State Employees Retirement Commission and State Retirement Division (Comptroller's Office, 30 Trinity Street, Hartford, CT 06106)

Persons involved: Mr. Everett G. O'Keefe

Witnesses: Probable witnesses: Robert Hilliard, Administrative Auditor; JoAnn Mogensen, Chief, Retirement Division; William G. Oechslin, Chairman, State Employees' Retirement Commission; Paul Rifkin, Comptroller's office.
 Possible witnesses: present & former employees of Retirement Division & Attorney General's office, & present & former Retirement Commissioners.
 Circumstances which indicate that the Code of Ethics designated above was violated are as follows (a short, plain statement alleging a violation of Chapter 10, General Statutes):

The alleged facts on which this Complaint is based include, but are not limited to, the following:

1. Since November 9, 1964, and at all times relevant to this Complaint, Mr. Everett G. O'Keefe has been employed by the State of Connecticut as Superintendent of the John Dempsey Regional Center, a full-time State position under the authority of the Department of Mental Retardation (formerly the Office of Mental Retardation in the State Department of Health).

2. On June 6, 1979, Mr. O'Keefe was appointed to the office of State Employees' Retirement Commissioner. The manner of his appointment and the powers he exercises in this office make him a "Public official", subsection 1-79(j), General Statutes, subject to the provisions of the Code of Ethics for Public Officials, Chapter 10, Part I, General Statutes, with regard to his
 (over)

* No complaint may be made to the Ethics Commission except within three years next after the alleged violation described in the complaint has been committed.

conduct as a Retirement Commissioner.

3. Sometime during late 1979 or early 1980 Mr. O'Keefe met with Ms. JoAnn Mogensen, Chief of the State Retirement Division, to ask that a request on his behalf to purchase 8 years and 10 months of retirement credit under section 5-191, General Statutes (originally submitted to the State Employees' Retirement Commission in a March 14, 1973 application) be placed on the Commission's agenda. At this meeting Mr. O'Keefe stated that he felt approval of his request was appropriate based on the expertise he had gained in his tenure as a Retirement Commissioner. Ms. Mogensen agreed to place the request on the Commission's agenda.

4. In support of his request Mr. O'Keefe provided Ms. Mogensen with certain documentation. This documentation consisted of materials Mr. O'Keefe had previously submitted to the Retirement Division in support of his original 1973 application and a 1977 request to reconsider the 1973 application, along with various Retirement Division materials concerning Mr. O'Keefe's 1973 and 1977 petitions.

(continued on attached pages)

I hereby certify under penalty of false statement that I believe that the foregoing statement describing a possible violation of the designated Code of Ethics is true.

Signature

Date

Complainant's name and address (printed or typewritten):

Complainant's telephone number:

Mail or hand deliver this complaint to the: State Ethics Commission
30 Trinity Street
Hartford, CT 06115

NOTE: (1) This Complaint may not be withdrawn by you, the Complainant, except with leave of the Ethics Commission. (2) In addition to the criminal penalties that may be imposed upon a complainant who, under penalty of false statement, knowingly files a false complaint, sections 1-82(d) and 1-93(d) provide that if any complaint, brought under the provisions of Chapter 10, General Statutes, is made with the knowledge that it is without foundation in fact, the person against whom the complaint is made (the respondent) has a cause of action against the complainant for double the amount of damage caused. If the respondent prevails in the action, the cost of the action together with reasonable attorney's fees may be awarded the respondent by the court.

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5. Both the 1973 application and the 1977 request for reconsideration had been administratively rejected by the Retirement Commission for failure to meet statutory requirements, based on the same documentation as Mr. O'Keefe submitted to Ms. Mogensen in support of his request described in paragraph 3 above.

6. On August 14, 1980, Mr. O'Keefe's request went before the Retirement Commission at a meeting at which Commissioner O'Keefe was present. The request was approved in full by the Commission, with Commissioner O'Keefe abstaining from the vote. Commissioner O'Keefe participated in the discussion of his request. See Retirement Commission document, "Notes on Mr. O'Keefe's Purchase Request", attached to and made a part of this Complaint.

7. On January 19, 1981 Mr. O'Keefe paid the sum of \$5,813.84 to purchase the retirement credit authorized by the Commission's August 14, 1980 decision.

8. After a March 4, 1982 State auditor's report alleging that the Retirement Commission's approval of Mr. O'Keefe's purchase request was illegal had been made public, the Retirement Commission met, on April 8, 1982, with Commissioner O'Keefe present. With Commissioner O'Keefe taking no part, the Commission discussed whether to reconsider Mr. O'Keefe's case, decided not to formally reconsider the matter or request an Attorney General's opinion regarding it, and voted to send a letter to the Governor justifying their handling of the matter.

Based on the above alleged facts, I hereby further allege that Retirement Commissioner Everett O'Keefe violated the Code of Ethics for Public Officials, Chapter 10, Part I, General Statutes. Said alleged violations include, but are not necessarily limited to, the following:

9. Mr. O'Keefe actions, described in paragraph 3 above, taken when he knew or should have known that his request to purchase retirement credit was devoid of legal or factual merit, constituted use of his public office to obtain financial gain for himself in violation of subsection 1-84(c), General Statutes, said financial gain being the difference between the increase in pension benefits he could expect to receive commencing upon retirement if his petition were approved, and the payment he would be required to make into the State Employees' Retirement Fund.

10(a). Mr. O'Keefe's statements at the Retirement Commission's August 14, 1980 meeting, as they appear in the attachment to this Complaint, made when he knew or should have known that his request to purchase retirement credit was devoid of legal or factual merit, constituted use of his public office to obtain financial gain for himself in violation of subsection 1-84(c), General Statutes, the financial gain being that described in paragraph 9, above.

(b) Furthermore, considering the circumstances surrounding Mr. O'Keefe's presentation at the August 14, 1980 meeting and the content of his remarks, his participation in the meeting constituted participation in the Retirement Commission's official deliberations, not presentation of an application. This violates subsection 1-84(a), section 1-85, General Statutes, in that Mr. O'Keefe acted as a Retirement Commissioner when he had reason to believe or expect that he would derive a direct financial gain, as described in paragraph 9, above, by reason of his official activity.

11. In light of the alleged violations described in paragraphs 9 and 10, above, Mr. O'Keefe's failure to take any remedial action at the Retirement Commission's April 8, 1982 meeting, described in paragraph 8, above, when he knew or should have known that the Commission's August 14, 1980 decision on his request to purchase

retirement credit was not justified, constituted continued use of his public office to obtain financial gain for himself in violation of subsection 1-84(c), General Statutes, the financial gain being that described in paragraph 9, above.

I hereby certify under penalty of false statement that I believe that the foregoing statement describing a possible violation of the designated Code of Ethics is true.

Alan S. Plofsky, Esq.
Signature

October 29, 1982
Date

Complainant's name and address (printed or typewritten):

ALAN S. PLOFSKY, Esq. - State Ethics Commission, 30 Trinity St., Hartford, CT.
06106

Complainant's telephone number: 566-4472