

90-4; 90-5



STATE OF CONNECTICUT

STATE ETHICS COMMISSION

January 10, 1991

P R E S S R E L E A S E

On July 30, 1990, Ethics Commission Staff Attorney Marianne D. Smith filed complaints (Docket Nos. 90-4 and 90-5) against Diana Duarte and Earnestine Kirkland, professors at South Central Community College, alleging that each had violated the Code of Ethics for Public Officials. Amended Complaints dated November 5, 1990 alleged that Professors Duarte and Kirkland, during their tenure as department chairpersons at the college, recommended their own spouses for teaching assignments on three occasions each.

Under the Code of Ethics, a state employee may not use public office or position to obtain financial gain for an immediate family member. This prohibition is intended to avoid the potential for nepotism which is present when a public official or state employee has influence or authority which may be exercised for the financial benefit of a spouse or other close family member. Nothing in the Code prevents spouses from working in the same department, but one may not take action, such as recommending a candidate for a teaching position, which results in financial benefit for the other.

On January 7, 1991, the State Ethics Commission and the Respondents settled these matters by entering into Stipulated Agreements. Under the terms of the settlements, the Respondents agreed to pay civil penalties of \$300 each. Copies of the Amended Complaints and Stipulations are attached.

FOR FURTHER INFORMATION CALL:

Alan S. Plofsky
Executive Director and General Counsel
566-4472



STATE OF CONNECTICUT
STATE ETHICS COMMISSION

C O N F I D E N T I A L

DOCKET NUMBER 90-4) STATE ETHICS COMMISSION
 IN THE MATTER OF A) 97 ELM STREET (REAR)
 COMPLAINT AGAINST) HARTFORD, CONN. 06106
 DIANA DUARTE) JANUARY 7 , 1991

STIPULATION AND ORDER

1. The Commission finds that the Respondent violated Conn. Gen. Stat. §1-84(c) as alleged in the attached Amended Complaint dated November 5, 1990.

2. The Respondent affirms that she did not intentionally or knowingly violate the Code of Ethics. The Respondent further states that the actions in question were taken with the full knowledge of the College, which failed to notify the Respondent of the applicable provisions of the Code.

3. The Respondent waives any rights she may have under Conn. Gen. Stat. §§1-82 and 1-82a and agrees with the State Ethics Commission to an informal disposition of this matter as permitted by Conn. Gen. Stat. §1-84(c). The Respondent agrees not to contest the orders or findings herein.

WHEREFORE, the State Ethics Commission enters, and Respondent agrees to, the following orders: In lieu of any other action it is authorized to take with respect to this matter, the Commission orders the Respondent to (1) pay a civil penalty of \$300 within thirty days and (2) henceforth, comply with the provisions of the Code of Ethics.

Diane Duarte
 Ms. Diane Duarte
 427 Orange Center Road
 Orange, CT 06472

1/3/91
 Dated

Rabbi Michael Mintoff
 Chairperson
 State Ethics Commission

January 7, 1991
 Dated

000260



STATE OF CONNECTICUT
STATE ETHICS COMMISSION

C O N F I D E N T I A L

DOCKET NUMBER 90-4) STATE ETHICS COMMISSION
 IN THE MATTER OF A) 97 ELM STREET (REAR)
 COMPLAINT AGAINST) HARTFORD, CONN. 06106
 DIANA DUARTE) NOVEMBER 5, 1990

AMENDED COMPLAINT

It is hereby alleged that:

1. At all times relevant to the complaint herein, Ms. Diana Duarte (hereinafter the Respondent) was a state employee as that term is defined in Conn. Gen. Stat. §1-79(m).


2. The respondent was a professor and chairperson of the Business Division at South Central Community College (hereinafter SCCC) during the academic year 1989-90.

3. As chairperson, the respondent initiated the filling of part-time teaching positions in the Business Division by selecting a candidate for recommendation to the academic dean.

4. Upon the respondent's recommendation as chairperson, her husband, Daniel Duarte, was hired to teach one course in the Business Division at SCCC during the Winter 1990 Intersession and two courses during the Spring 1990 semester.

5. Pursuant to Conn. Gen. Stat. §1-84(c) a state employee may not use her public office or position to obtain financial gain for her spouse.

6. The respondent's recommendation of her husband for three teaching assignments within the division of which she was chairperson constituted improper use of her public office or position, in violation of Conn. Gen. Stat. §1-84(c).


 Marianne D. Smith
 Staff Attorney

Dated 11/5/90 Phone: (203) 566-4472