91-11

STATE OF CONNECTICUT

STATE ETHICS COMMISSION

August 3, 1992

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

On September 16, 1991, State Ethics Commission Staff Attorney Marianne D. Smith filed a complaint (Docket No. 91-11) against J. Edward Smith, then-Director of the University of the Third Age at Asnuntuck Community College. The complaint alleged that the Respondent Mr. Smith, a state employee, violated the Code of Ethics for Public Officials by using his public office to obtain financial gain for himself, his wife and his daughter, in connection with the creation and assignment of teaching responsibilities in the University of the Third Age. A copy of the Complaint is attached.

On August 3, 1992, the State Ethics Commission and the Respondent Mr. Smith settled this matter by entering into a Stipulation and Order. Under the terms of the settlement, the Respondent agreed to pay a civil penalty in the amount of $5,000. A copy of the Stipulation and Order is attached.

FOR FUTHER INFORMATION CALL:

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

or

Marianne D. Smith
Staff Attorney
566-4472

STATE OF CONNECTICUT
STATE ETHICS COMMISSION

CONFIDENTIAL

DOCKET NUMBER 91-11	)	STATE ETHICS COMMISSION
IN THE MATTER OF A	)	97 ELM STREET (REAR)
COMPLAINT AGAINST	)	HARTFORD, CT 06106
J. EDWARD SMITH	)	~~MAY~~ AUGUST 3, 1992

STIPULATION AND ORDER

1. The Commission finds that the Respondent violated the Code of Ethics for Public Officials as alleged in the attached Complaint, dated September 16, 1991.

2. This Finding is made solely on the basis of the Commission's staff investigation into this matter, and is not admissible in, nor shall it be deemed to prejudice, any subsquent civil or criminal proceeding against the Respondent or any other person.

3. While the Respondent does not admit all of the allegations contained in the Complaint, the Respondent does not contest the Commission's Finding in this matter. Additionally, the Respondent admits that the Commission's staff investigation has produced evidence which, if believed, would lead a trier of facts to conclude that the violations alleged in the attached Complaint had, in fact, occurred.

NOW THEREFORE, pursuant to Connecticut General Statutes §4-177(c), the State Ethics Commission and the Respondent, J. Edward Smith, agree to settle this matter in the manner described below:

1. The Respondent waives any rights he may have under Conn. Gen. Stat. §§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 Commission to an informal disposition of this matter as authorized by Conn. Gen. Stat. §4-177(c).

2. The Commission agrees not to refer the Respondent to the Chief State's Attorney for any possible action pursuant to Conn. Gen. Stat. §1-88 arising from this matter.

3. The Ethics Commission orders, and the Respondent agrees to pay to the Ethics Commission, a civil penalty of five thousand dollars ($5,000). Payment of such civil penalty shall be made in twelve (12) monthly installments of $125.00 each, with a final payment of three thousand five hundred dollars ($3,500) thirty (30) days after the twelfth installment. The first payment shall be made within thirty (30) days of the Order.

E B Smith
Respondent

June 30, 1992
Dated

Chairperson
State Ethics Commission

8-3-92
Dated

STATE OF CONNECTICUT
STATE ETHICS COMMISSION

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

DOCKET NO. 91-11	)	STATE ETHICS COMMISSION
IN THE MATTER OF A	)	97 ELM STREET (REAR)
COMPLAINT AGAINST	)	HARTFORD, CT 06106
J. EDWARD SMITH	)	SEPTEMBER 16, 1991

COMPLAINT

1. At all times relevant to the complaint herein, J. Edward Smith (hereinafter "Respondent") was the Director of the University of the Third Age at Asnuntuck Community College, and was a state employee within the meaning of Conn. Gen. Stat. §1-79(m).

2. Conn. Gen. Stat. §1-84(c) provides that no state employee shall use his public office or position to obtain financial gain for himself, his spouse, child, child's spouse, parent, brother or sister or a business with which he is associated.

3. Between March, 1989 and June, 1990, the Respondent exercised his authority as Director to hire his wife, Alice Smith, to teach a total of six courses in the University of the Third Age on the subject of American Indian Culture, for which she was compensated in the amount of $2,200.

4. Between March, 1990 and November, 1990, the Respondent hired his daughter, Kathryn Smith, to teach two classes in the University of the Third Age, one on the subject of Greek, Roman and Norse Mythology and one on the subject of Shakespeare, for which she was compensated in the amount of $562.50.

5. Between March, 1989 and June, 1990, the Respondent assigned to himself the teaching of six courses in the University of the Third Age for which he was compensated in the amount of $2,062.50; two on the History of the Constitution, one on the History of Dirty Politics, one on the History of the 1960s, and two entitled, respectively, "A Portrait of Hitler" and "The Mind of Adolph Hitler."

6. The Respondent's exercise of his authority as Director of the University of the Third Age to hire his spouse to teach six courses constituted, in each instance, a use of his public office or position to obtain financial gain for his spouse, in violation of Conn. Gen. Stat. §1-84(c).

7. The Respondent's exercise of his authority as Director of the University of the Third Age to hire his daughter to teach two courses constituted, in both instances, a use of his public office or position to obtain financial gain for his child, in violation of Conn. Gen. Stat. §1-84(c).

8. The Respondent's exercise of his authority as Director of the University of the Third Age to assign to himself teaching responsibilities for six courses constituted, in each instance, a use of his public office or position to obtain financial gain for himself, in violation of Conn. Gen. Stat. §1-84(c).

9. There is no record of any student enrollment for two of the six courses for which Alice Smith received compensation. Only three students each were enrolled in two others.

10. Only two students were enrolled in the Mythology course taught by Kathryn Smith.

11. There is no record of the enrollment of any students in four of the courses assigned to the Respondent.

12. The Respondent's acceptance of compensation for teaching courses which failed to attract any students, or an unreasonably low number of students constituted, in each instance, a use of his public office or position to obtain financial gain for himself, in violation of Conn. Gen. Stat. §1-84(c).

13. The Respondent's creation and/or authorization of courses, to be taught by his spouse and daughter, which failed to attract any students, or an unreasonably low number of students, constituted, in each instance, a use of his public office or position to obtain financial gain for his spouse and his child, in violation of §1-84(c).

Marianne D. Smith

9/16/91
Date