

94-1



STATE OF CONNECTICUT
STATE ETHICS COMMISSION

June 23, 1994

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

On February 28, 1994, Ethics Commission Staff Attorney Brenda M. Bergeron filed a complaint (Docket No. 94-1) against William M. Simmons, head of the aviation maintenance technology department at H.H. Ellis Vocational-Technical School. The complaint alleges that Mr. Simmons impaired his independence of judgment and used his state position for financial gain, in violation of Conn. Gen. Stat. §1-84(b) and §1-84(c), by privately selling airplane parts to customers of the school while, at the same time, as department head, determining the types of work to be performed for these customers at the school by its students, as well as determining the amount to be charged by the school for the work performed. The complaint also alleges that, in his role as department head, Mr. Simmons placed a business, Tri-State Aviation, on the list of vendors approved by the school: Mr. Simmons then sold airplane parts to Tri-State Aviation at a profit, for resale to customers of the school.

On June 23, 1994, the Ethics Commission and Mr. Simmons settled this matter by entering into a Stipulation and Order. Under the settlement, the Commission found that Mr. Simmons violated the Code of Ethics for Public Officials as alleged, and Mr. Simmons agreed to pay a civil penalty of \$3000.00.

Copies of the Stipulation and Order and Complaint are attached.


FOR FURTHER INFORMATION CALL:

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

Or

Brenda M. Bergeron
Staff Attorney
566-4472

1630P

97 Elm Street — Rear  • Hartford, Connecticut 06106

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STATE OF CONNECTICUT
STATE ETHICS COMMISSION

DOCKET NUMBER 94-1) STATE ETHICS COMMISSION
IN THE MATTER OF A) 97 ELM STREET (REAR)
COMPLAINT AGAINST) HARTFORD, CT 06106
WILLIAM M. SIMMONS) JUNE 23, 1994

STIPULATION AND ORDER

1. The Commission finds that the Respondent violated Conn. Gen. Stat. §§1-84(b) and 1-84(c), as alleged in the attached Complaint dated February 28, 1994.

2. 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).

3. The Respondent has expressly denied the attached allegations of ethical violations, and moreover has asserted that any actions attributed to him herein were the product of his expressed concern and commitment to his educational program at Ellis Vocational Technical High School. He has further asserted that any alleged wrongdoing was motivated solely by a desire to further the educational experience of the students and/or the viability of the educational program.

He has further categorically denied that any professional or academic decisions during the period noted were in any way compromised or impaired; and that the facts demonstrate that both the Aviation Maintenance Technology Program and the students assigned therein prospered and were demonstrably successful during his tenure as Department Head.

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

1. The Ethics Commission orders and the Respondent agrees to pay to the Commission a civil penalty of \$3000.00 within thirty days, and henceforth to commit no further violations of the Code of Ethics.

Signature of William M. Simmons
Respondent

6-17-94
Date

Signature of Chairperson
Chairperson, Ethics Commission
Phone: (203) 566-4472

6-23-94
Date

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

DOCKET NUMBER 94-1) STATE ETHICS COMMISSION
IN THE MATTER OF A) 97 ELM STREET (REAR)
COMPLAINT AGAINST) HARTFORD, CT 06106
WILLIAM M. SIMMONS) February 28, 1994

COMPLAINT

COUNT ONE

1. At all times relevant herein, the Respondent William M. Simmons was employed at H.H. Ellis Vocational-Technical School as the head of its aviation maintenance technology department.

2. At all times relevant herein, the Respondent was a "state employee" as that term is used in the Code of Ethics for Public Officials, Conn. Gen. Stat. §1-79(m).

3. Under Conn. Gen. Stat. §1-84(b), a state employee may not accept any other employment which will impair his independence of judgment as to his official duties.

4. At various times in 1991 and 1992, the Respondent, doing business as Eastern Aero Services, sold airplane parts to individuals who were also customers of the H.H. Ellis Vocational-Technical School's aviation maintenance technology department.

5. At various times in 1992, the Respondent, doing business as New England Aero Services, Inc., sold airplane parts to individuals who were also customers of the H.H. Ellis Vocational-Technical School's aviation maintenance technology department.

6. At the time that the Respondent was privately selling airplane parts to customers of the school, the Respondent, in his role as department head, was also determining the types of work to be performed for these customers at the school by its students, as well as the amount to be charged by the school for the work performed.

7. Each and every time that the Respondent made an official decision as described in Paragraph 6, his independence of judgment was impaired in violation of Conn. Gen. Stat. §1-84(b).

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COUNT TWO

1. At all times relevant herein, the Respondent William M. Simmons was employed at H.H. Ellis Vocational-Technical School as the head of its aviation maintenance technology department.

2. At all times relevant herein, the Respondent was a "state employee" as that term is used in the Code of Ethics for Public Officials, Conn. Gen. Stat. §1-79(m).

3. Under Conn. Gen. Stat. §1-84(c), no state employee shall use his state position to obtain financial gain for himself or for a business with which he is associated.

4. At various times in 1991 and 1992, the Respondent, doing business as Eastern Aero Services, sold airplane parts to individuals who were also customers of the H.H. Ellis Vocational-Technical School's aviation maintenance technology department.

5. At various times in 1992, the Respondent, doing business as New England Aero Services, Inc., sold airplane parts to individuals who were also customers of the H.H. Ellis Vocational-Technical School's aviation maintenance technology department.

6. At the time that the Respondent was privately selling airplane parts to customers of the school, the Respondent, in his role as department head, was also determining the types of work to be performed for those customers at the school by its students, as well as the amount to be charged by the school for the work performed.

7. In exercising his authority to determine what work to perform for those individuals who were also his private customers and how much to charge for that work, the Respondent was in a position to benefit his own business interests.

8. Each time that the Respondent exercised his authority as department head to determine, on behalf of the school, what work to perform and the amount to charge those individuals who were also his private customers, he illegally used his state position for his own financial gain, in violation of Conn. Gen. Stat. §1-84(c).

COUNT THREE

1. At all times relevant herein, the Respondent William M. Simmons was employed at H.H. Ellis Vocational-Technical School as the head of its aviation maintenance technology department.

2. At all times relevant herein, the Respondent was a "state employee" as that term is used in the Code of Ethics for Public Officials, Conn. Gen. Stat. §1-79(m).

3. Under Conn. Gen. Stat. §1-84(c), no state employee shall use his state position to obtain financial gain for himself or for a business with which he is associated.

4. In 1991 and/or 1992, the Respondent was involved in the preparation of an approved vendor's list, to be used by customers of the Respondent's aviation maintenance department.

5. Tri-State Aviation was one of the vendors named on the list of approved vendors.

6. At various times in 1991 and 1992, the Respondent, through his businesses Eastern Aero Services and New England Aero Services, sold parts to Tri-State Aviation, at a profit to the Respondent, for re-sale to customers of the school.

7. By placing Tri-State Aviation on the approved vendor's list, and then selling parts to that company for re-sale to customers of the school, the Respondent used his state position for his own financial gain, in violation of Conn. Gen. Stat. §1-84(c).

2/28/94
DATE

Brenda M. Bergeron
Brenda M. Bergeron
Staff Attorney