



STATE OF CONNECTICUT
STATE ETHICS COMMISSION

94-2-

January 24, 1996

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

On January 11, 1996, the State Ethics Commission concluded its hearings in the matter of a complaint against John F. Merchant, Docket No. 94-2. The Commission found that the Respondent violated the Code of Ethics for Public Officials, by claiming work time when he was out of state attending various golf tournaments. A maximum fine of \$1000.00 was imposed.

On January 24, 1996, the Commission released the attached findings in this matter.

FOR FURTHER INFORMATION, CALL:

Brenda M. Bergeron
Ethics Commission Attorney
(860)566-4472

OR

Rachel S. Rubin
Supervising Attorney
(860)566-4472

3466G



STATE OF CONNECTICUT
STATE ETHICS COMMISSION

DOCKET NUMBER 94-2) STATE ETHICS COMMISSION
IN THE MATTER OF A) 20 TRINITY STREET
COMPLAINT AGAINST) HARTFORD, CT 06106
JOHN MERCHANT) JANUARY 24, 1996

Following a public hearing commenced on November 16, 1995, continued to November 30, 1995, and concluded on January 11, 1996, the State Ethics Commission issues the following finding, and reasons therefor, in the matter of a complaint against John F. Merchant, Consumer Counsel for the State of Connecticut:

1. At all times relevant to the Complaint, dated June 15, 1994, the Respondent was a member of the United States Golf Association's Executive Committee (USGA).

2. At all times relevant to the Complaint, the Respondent held the Office of Consumer Counsel, appointed by the Governor.

3. As Consumer Counsel, the Respondent is a public official as defined by Conn. Gen. Stat. §1-79(k) and is, therefore, subject to the Code of Ethics for Public Officials, Conn. Gen. Stat. §1-79 et seq.

4. Conn. Gen. Stat. §1-84(c) states in part that "no public official ... shall use his public office or position ... to obtain financial gain for himself."

5. The Respondent attended the four golf tournaments alleged in the Complaint, Paragraph 3, in his private capacity.

6. As an appointed public official, the Respondent was required to charge a full day of vacation time or personal leave time whenever he went out of state on personal business.

7. The Respondent failed to charge a full day of vacation time or personal leave time for each of the days that he was out of state attending the four golf tournaments alleged in the Complaint.

8. Vacation time accrued by the Respondent is of specific and substantial monetary value, since the Respondent will be reimbursed fully for accrued vacation time (up to 120 days) when he leaves state service.

9. As the head of the Office of Consumer Counsel, the Respondent unilaterally determined that it was appropriate to claim work time when out of state on personal business and approved his own timesheets.

Having considered the evidence and briefs submitted at the public hearing, the Commission has concluded that:

The Respondent, John F. Merchant, Consumer Counsel for the State of Connecticut, violated Conn. Gen. Stat. §1-84(c) of the Code of Ethics for Public Officials by failing to take a full vacation day or personal leave day for each of the days when he went out of state to attend golf tournaments in his private capacity.

The motion to find a violation of §1-84(c) was moved by Commissioner Whalen, seconded by Commissioner FitzMaurice, and was adopted by a 5-2 vote (Commissioners Nassef and Brett voting in the negative).

WHEREFORE, the Commission issues the following Order:

That the Respondent pay a civil penalty of \$1000.00 within thirty days of the date of this Order, and that he cease and desist this violation of the Code of Ethics for Public Officials, Conn. Gen. Stat. §1-79 et seq.

The motion to fine the Respondent the maximum penalty was moved by Commissioner Brett, seconded by Commissioner Lorenzo, and was adopted by a 7-0 vote.

By Order of the Commission


Cindy Cannata
Clerk of the Commission

January 24, 1996
DATE

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C O N F I D E N T I A L
(When Filled Out)

JUN 15 1994

STATE ETHICS COMMISSION

CONNECTICUT STATE ETHICS COMMISSION
97 ELM STREET (REAR)
HARTFORD, CONNECTICUT 06106
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 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:* April 1992-
June 1994

Place alleged violation occurred: Office of Consumer Counsel, Peoples Bank Directors' Meetings, Connecticut State Car, Secretarial Staff, Masters Tournament and Walker Cup (United States Golf Association)

Persons involved: Clerical staff on orders of Mr. John Merchant, Consumer Counsel

Witnesses: Various witnesses in Office of Consumer Counsel Office, Peoples Bank, Masters Tournament and Walker Cup

Circumstances which indicated that the Code of Ethics designated above was violated are as follows (a short, plain statement alleging a violation of Chapter 10, General Statutes): Mr. John Merchant, Consumer Counsel, is guilty of the following violations to the best of my knowledge and belief:

(over)

*The Ethics Commission cannot act on a complaint which is made more than three years after the alleged violation described in the complaint was committed.

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1) Misuse of State Car-Mr. Merchant takes his State Car to Peoples Bank in Bridgeport every Thursday. He is a Director of the Peoples Bank Board. He either misses the entire day Thursday or comes in about 2:00 P.M. Thursday. Mr. Merchant is paid at least 20,000 dollars a year for his services at Peoples Bank. He bragged to a staff member he makes that amount. Thus, he is misusing the State Car, while receiving compensation from Peoples Bank and the State of Connecticut simultaneously.

2) Mr. Merchant, to the best of my knowledge and belief, rarely takes vacation or personal time on any Thursday he is at Peoples Bank. I have never seen his pay sheets, but I have heard from several members of the staff this is the case. Thus, he is double billing the State because he receives 20,000 dollars a year as a Peoples Bank Director while billing the State of Connecticut for the same hours.

3) Mr. Merchant attended the Masters Golf Tournament in April, 1992, April 1993, and April 1994 as part of his United States Golf Association Executive Committee duties. He also attended the Walker Cup in Minnesota in 1993. To the best of my knowledge and belief, Mr. Merchant took no vacation or personal time during this period. Thus, he was paid by the State of Connecticut while serving on the Executive Committee of the United States Golf Association.

4) Mr. Merchant serves on the Executive Committee of the United States Golf Association. I believe he uses his Executive Secretary to type and mail extensive correspondence related to his position on the Executive Committee. Further, I believe he uses the State of Connecticut postage stamping machine to pay for the postage for this correspondence. Conn. Gen Stat. 53a-127 specifically prohibits diversion from state of benefit of labor of employees. A copy is enclosed.

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5) Mr. Merchant told the Office, through his secretary and staff, that he represented a number of defendants in criminal trials in a Stamford, Connecticut Court Room. This activity took place in late 1992 and 1993. I was told that for at least one week in which he was on trial that he marked himself present at work and credited himself with compensatory time as well. This represents billing the State of Connecticut for time that he was absent from work.

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JUN 15 1994

STATE ETHICS COMMISSION

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