

THIS DOCUMENT IS DRAFTED FOR THE PURPOSE OF ATTEMPTING TO SETTLE A LEGAL CLAIM AND IS THUS INADMISSIBLE UNDER CT CODE OF EVIDENCE §4-8, FRE RULE 408, AND ANY OTHER PERTINENT STATE OR FEDERAL RULE.

DOCKET NUMBER 2007-19)	OFFICE OF STATE ETHICS
)	
IN THE MATTER OF A)	18-20 TRINITY STREET
)	
COMPLAINT AGAINST)	HARTFORD, CT 06106
)	
JAMES MARTIN)	MARCH 26, 2009

CONSENT ORDER

Pursuant to the Code of Ethics, Connecticut General Statutes §§ 1-79, *et seq.*, Thomas K. Jones, Ethics Enforcement Officer for the Office of State Ethics (“OSE”), issued a complaint (“Complaint”) against the respondent James Martin (“Martin” or “Respondent”) for a violation of the Code of Ethics, General Statutes §1-84b(f). On February 26, 2009, following a probable cause hearing, the Honorable Jerry Wagner, Judge Trial Referee, found there was probable cause to believe that the Respondent participated substantially in the negotiation or award of a state contract with daSilva Architects (“daSilva”) and, within one year after his resignation from state service, accepted employment at daSilva, in violation of General Statutes §1-84b(f).

The Parties have entered into this Consent Order in full resolution of the Complaint in this matter, as further set forth herein.

I. FINDINGS

Following a probable cause hearing, held on January 22, 2009, the Honorable Jerry Wagner found that:

1. From on or about November 25, 2005 through February 15, 2007, Respondent was employed by the University of Connecticut Health Center (hereinafter

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“UCHC”), and was a “State Employee” as that term is defined in General Statutes §1-79(m).

2. From on or about November 25, 2005 until on or about October 12, 2006, Respondent served as Assistant Director of Campus Planning, Design, and Construction.

3. While employed as Assistant Director of Campus Planning, Design and Construction, Respondent was a member of the Dental Implant Selection Committee, which awarded a consultant contract to daSilva valued at over \$50,000.

4. Respondent participated substantially in the negotiation or award of the Dental Implant Center contract awarded to daSilva.

5. Subsequent to the award of the UCHC Dental Implant Center contract, Respondent participated in the negotiation or award of an additional consulting contract to daSilva valued at over \$50,000, for the creation of a “Master Plan” for the School of Dentistry’s Teaching & Practice Suites at UCHC.

6. Within one year of his resignation from his state position, Respondent accepted employment with daSilva.

7. Based on the foregoing, there is probable cause to believe that Respondent violated General Statutes §1-84b(f).

NOW THEREFORE, the Connecticut Office of State Ethics and the Respondent hereby enter into this Consent Officer and hereby agree as follows:

II. RESPONDENT’S POSITION

1. Respondent states that he regrets the violation of the Ethics Code and states that the violation was unintentional. Respondent states that he did not believe at

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the time that his participation in either of the two contracts in question rose to the level of "substantial."

2. Respondent states that, as further consideration for the Office of State Ethics' acceptance of this Consent Order, he agrees to the Board's imposition of restrictions on his own activities, viz, for two years following the execution of this Consent Order, Respondent will not engage in lobbying in the State of Connecticut; and, Respondent will not act as architect of record on any state contract.

3. Respondent states that he understands that he has the right to legal counsel, and has been represented by legal counsel of his choosing throughout.

III. JURISDICTION

1. The Ethics Enforcement Officer is authorized to investigate the Respondent's conduct alleged in the Complaint, and to issue a Complaint against the Respondent.

2. The Office of State Ethics is authorized to enter into this Consent Order with Respondent.

3. The provisions of this Consent Order apply to and are binding upon the Respondent.

4. The Respondent hereby waives all objections and defenses to the jurisdiction of the Ethics Enforcement Officer, the Office of State Ethics, and the Citizen's Ethics Advisory Board over matters addressed in this Consent Order.

4. The Respondent waives any rights he may have under General Statutes §§ 1-82, 1-82a, 1-87, 1-80, and 4-183, including the right to a hearing or appeal in this case,

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and agrees to an informal disposition of this matter as authorized by General Statutes §§ 1-82a(e) and 4-177(c).

5. The Respondent consents to jurisdiction and venue in the Connecticut Superior Court, Judicial District of Hartford, in the event that the State of Connecticut seeks to enforce this Consent Order. The Respondent recognizes that the Connecticut Superior Court has the authority to specifically enforce the provisions of this Consent Order, including the authority to award equitable relief.

IV. ORDER

NOW THEREFORE, pursuant to General Statutes §§ 1-82a(e) and 4-177(c), the Office of State Ethics and Respondent agree to settle the matter in the manner described below:

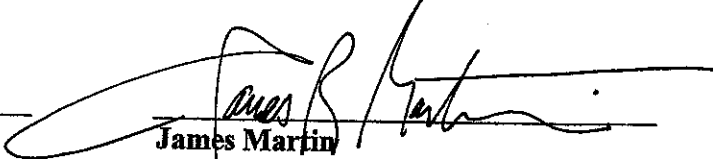
1. Pursuant to General Statutes § 1-88(a)(1), the Office of State Ethics orders, and the Respondent agrees, to cease and desist from any future violation of General Statutes § 1-84b(f).
2. Pursuant to General Statutes § 1-88(a)(3), the Office of State Ethics orders, and the Respondent agrees, that the Respondent pay civil penalties to the State in the amount of six thousand dollars (\$6,000.00) for his violation of General Statutes § 1-84b(f).
3. The Office of State Ethics orders, and the Respondent agrees, that for a period of two years following the execution of this Consent Order, Respondent will not engage in lobbying in the state of Connecticut.

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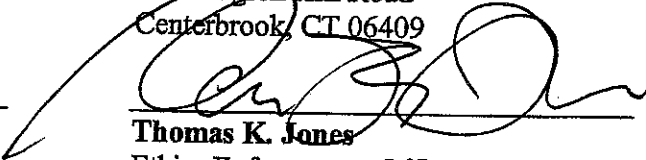
4. The Office of State Ethics orders, and the Respondent agrees, that for a period of two years following the execution of this Consent Order, Respondent will not seek or accept any state contract on behalf of himself or any other person.

5. Respondent agrees to henceforth comply with the requirements of the Code of Ethics for Public Officials.


WHEREFORE, the Office of State Ethics and the Respondent hereby execute this Consent Order dated March __, 2009.

Dated: 3/19/09 

James Martin
Respondent
16 Sheagren Hill Road
Centerbrook, CT 06409

Dated: 3/26/09 

Thomas K. Jones
Ethics Enforcement Officer
State of Connecticut Office of State Ethics
18-20 Trinity Street
Hartford, CT 06106
(860)566-4472

Dated: 3/26/09 

Robert Worgaftik
Chairman,
Citizen's Ethics Advisory Board
Office of State Ethics
18-20 Trinity Street
Hartford, CT 06106