

DOCKET NUMBER 2007-12)	OFFICE OF STATE ETHICS
)	
IN THE MATTER OF A)	18-20 TRINITY STREET
)	
COMPLAINT AGAINST)	HARTFORD, CT 06106
)	
<u>TRACEY WEEKS</u>)	MARCH 20, 2008

STIPULATION AND CONSENT ORDER

Pursuant to the Code of Ethics, General Statutes §§ 1-79, et seq., Walter Casey, a member of the public, filed a complaint (“Complaint”) with the Office of State Ethics against the Respondent Tracey Weeks (“Weeks” or “Respondent”) alleging violations of the Code of Ethics. Following a preliminary investigation conducted by the Enforcement Division of the Office of State Ethics (“OSE”), the Ethics Enforcement Officer Thomas K. Jones has probable cause to believe that the Respondent failed to file an accurate Statement of Financial Interests (“SFI”) as required by law for the years 2004 and 2005 and, in failing to do so, violated §§1-83(a)(1) and 1-83(b)(1) of the General Statutes for each of those years. Further, the Ethics Enforcement Officer has probable cause to believe that the Respondent failed to recuse herself and file a disclosure statement pursuant §1-86 of the General Statutes regarding a potential conflict of interest wherein she took official action which was likely to affect the financial interest of her spouse.

The Parties have entered into this Stipulation and Consent Order following the filing of the Complaint, but without adjudication of any issue of fact or law herein. This Stipulation and Consent Order relates to, and resolves solely the specific allegations of the Complaint in this matter, filed June 11, 2007.

I. FINDINGS

Based upon the Ethics Enforcement Officer's preliminary investigation, the Ethics Enforcement Officer was prepared to demonstrate at a probable cause hearing:

1. At all times relevant hereto, the Respondent was employed by the State of Connecticut Department of Public Health ("DPH") and was a "State Employee" as defined in General Statutes § 1-79(m).

2. DPH is a Connecticut state agency which provides direct regulatory oversight of registered sanitarians, including licensure and re-licensure of registered sanitarians.

3. At all times relevant hereto, the Respondent was married to Vincent D. Proto ("Proto"), a registered sanitarian licensed and directly regulated by the State of Connecticut DPH, and owner and operator of A.L.T. Environmental Health Services, LLC ("A.L.T."), of 517 North Main Street, Wallingford, CT.

4. For the years 2004 and 2005, the Respondent was required, pursuant to General Statutes § 1-83(a)(1), to file a SFI with the OSE (formerly the State Ethics Commission).

5. Pursuant to General Statutes § 1-83(b)(1), the Respondent was required to list all businesses with which she, or her spouse, was associated.

6. Pursuant to General Statutes § 1-83(b)(1), the Respondent was required to disclose whether any person affiliated with such associated businesses were engaged in activities that were directly regulated by the Respondent's department or agency.

7. In her SFI for year 2004, the Respondent listed A.L.T. as a business with which she was associated, but did not disclose that A.L.T. and her husband were engaged in activities that were directly regulated by the DPH.

8. In her SFI for year 2005, the Respondent listed A.L.T. as a business with which she was associated, but failed to disclose that A.L.T. and her husband were engaged in activities that were directly regulated by the DPH.

9. By failing to disclose that A.L.T. and her husband were engaged in activities directly regulated by the DPH, the Respondent filed SFI forms for 2004 and 2005 that were incomplete and inaccurate, in violation of General Statutes §§ 1-83(a)(1) and 1-83(b)(1).

10. During 2006, Proto was a private consultant working in the capacity of Director of Environmental Health for Darien, CT.

11. On September 25, 2006, as part of her official duties, the Respondent drafted a letter for her supervisor's signature that was used by a Darien Selectman and member of the District Health Committee at a town meeting in Darien. The issue under consideration at the meeting had the likely impact of affecting Proto's position as a private consultant working in the capacity of Director of Environmental Health for Darien and, thereby, his financial interests.

12. In drafting the September 25 letter, the Respondent was confronted with a potential conflict of interest affecting the financial interests of her spouse.

13. Pursuant to General Statutes § 1-86(a), any state employee who, in the discharge of her official duties, would be required to take an action that would affect her, or her spouse's, financial interest, must either recuse herself from taking such official

action, or prepare a written statement explaining why the employee is able to act impartially in the matter, and file such statement with the Office of State Ethics.

14. The Respondent failed to recuse herself and instead wrote the September 25 letter.

15. The Respondent failed to file with the Office of State Ethics a written statement signed under penalty of false statement describing the matter requiring action, the nature of the potential conflict, and an explanation as to why despite the conflict, she is able to act fairly, objectively and in the public interest.

16. By failing to recuse herself from the potential conflict of interest and failing to file an explanatory letter with the OSE as described above, the Respondent violated General Statutes § 1-86(a).

17. The Respondent does not admit or deny any of the Findings in this section of the Stipulation and Consent Order.

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

II. JURISDICTION

1. The Ethics Enforcement Officer is authorized to investigate the Respondent's actions following the Complaint filed by a member of the public, and to enter into this Stipulation and Consent Order.

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

3. The Respondent hereby waives all objections and defenses to the jurisdiction of the Ethics Enforcement Officer over matters addressed in this Stipulation and Consent Order.

4. The Respondent waives any rights she may have under General Statutes §§ 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 Ethics Enforcement Officer to an informal disposition of this matter as authorized by General Statutes § 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 Stipulation and Consent Order. The Respondent recognizes that the Connecticut Superior Court has the authority to specifically enforce the provisions of this Stipulation and Consent Order, including the authority to award equitable relief.

III. REPRESENTATION

1. At all times relevant hereto, the Respondent has been advised of, and has understood, her right to counsel and has had the opportunity throughout to be represented by counsel of her choosing.

2. The Respondent is represented by counsel.

IV. ORDER

NOW THEREFORE, pursuant to General Statutes § 4-177(c), the Office of State Ethics hereby **ORDERS** and the Respondent Tracey Weeks agrees, that:

1. Pursuant to General Statutes § 1-88(a)(1), the Respondent will heretofore cease and desist from any future violation of General Statutes §§ 1-83(a)(1), 1-83(b)(1), and 1-86(a).

2. Pursuant to General Statutes § 1-88(b), the Respondent will pay civil penalties to the State in the amount of \$3,645.00 for her violation of General Statutes §§ 1-83(a)(1) and 1-83(b)(1) relative to the Year 2004 SFI.

3. Pursuant to General Statutes § 1-88(b), the Respondent will pay civil penalties to the State in the amount of \$1,820.00 for her violation of General Statutes §§ 1-83(a)(1) and 1-83(b)(1) relative to the Year 2005 SFI.


4. Pursuant to General Statutes § 1-88(b), the Respondent will pay civil penalties to the State in the amount of \$1,065.00 for her violation of General Statutes § 1-86(a).

5. The Respondent will henceforth comply with the requirements of the Code of Ethics for Public Officials.

6. The Respondent will take no future action, in the course of her official State duties, which would affect the financial interests of her or her spouse.

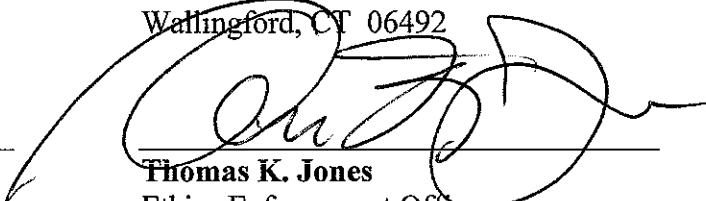
WHEREFORE, the Ethics Enforcement Officer and the Respondent hereby execute this Stipulation and Consent Order dated March 20, 2008.

Dated: 10/12/08



Tracey L. Weeks
517 North Main Street
Wallingford, CT 06492

Dated: 10/26/08



Thomas K. Jones
Ethics Enforcement Officer,
Enforcement Division,
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