



STATE OF CONNECTICUT  
STATE ETHICS COMMISSION

CONFIDENTIAL

DOCKET NUMBER 98-2 )	STATE ETHICS COMMISSION
IN THE MATTER OF A )	20 TRINITY STREET
COMPLAINT AGAINST )	HARTFORD, CT 06106
WILLIAM R. DARCY )	APRIL 22, 1998

STIPULATION AND ORDER

Pursuant to Connecticut General Statutes §4-177(c), the State Ethics Commission and the Respondent agree to settle this matter in the manner described below:

1. The Commission finds that a Memorandum of Understanding ("MOU") can be a contract, for purposes of Conn. Gen. Stat. §1-84b(d). Furthermore, the Commission finds a violation can occur even if the contract does not obligate the state to pay \$50,000 or more to a party to the contract by which the state employee is subsequently employed. Rather, it is sufficient that an obligation to pay \$50,000 or more to a third party necessarily results from the signed contract and such obligation facilitates the signed agreement.
2. The Commission finds that the Respondent violated the Code of Ethics as alleged in the attached Complaint. However, the Commission acknowledges that the findings described in paragraph one above constitute the first formal ruling regarding the issue obligating the state to pay \$50,000 or more to a third party. Therefore, the Commission finds that the violation was unintentional.


3. Although the Respondent does not concede that the legal and engineering costs to develop the ash recycling project necessarily resulted from the signing of the MOU, in order to avoid the cost and time of litigation, the Respondent will not contest the Commission's findings. Furthermore, the Respondent states that, in his legal opinion and that of other lawyers he has consulted, there is no violation of the Code of Ethics, because, among other reasons: the MOU he signed is not a contract pursuant to Conn. Gen. Stat. §1-84b (d); and the MOU did not obligate the state to pay \$50,000 to a party to the contract or to anyone else from whom he subsequently received compensation.

4. The Respondent waives any rights he may have under Conn. Gen. Stat. §§1-80, 1-82, 1-82a, and 1-87, 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).

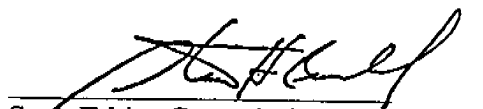
5. This Stipulation and Order shall not be evidence of a violation of any other Code of Ethics and/or any other Connecticut General Statute. This finding, Stipulation and Order is not admissible in, nor shall it be deemed to prejudice, any subsequent proceedings against the Respondent or any other person or company affiliated with Respondent.

WHEREFORE, the State Ethics Commission enters and the Respondent agrees to the following order in lieu of any other action regarding this matter:

The Respondent agrees to pay \$1000.00 to the State of Connecticut within thirty days of this Stipulation and Order.

  
Respondent William R. Darcy

4/22/98  
Dated

  
State Ethics Commission  
By: Stanley Burdick, Its Chairperson

4/24/98  
Dated