

**OFFICE OF STATE ETHICS**

**DOCKET NUMBER 2014-21** :  
: **18-20 TRINITY STREET**  
**IN THE MATTER OF A** :  
: **HARTFORD, CT 06106**  
**COMPLAINT AGAINST** :  
: **JUNE 25, 2015**  
**JAMES LISS** :

**STIPULATION AND CONSENT ORDER**

Pursuant to the Code of Ethics, General Statutes §§ 1-79, *et seq.*, Thomas Jones, Ethics Enforcement Officer, filed a Complaint against James Liss (“Liss” or “Respondent”), alleging violations of the Code of Ethics for Public Officials. Based upon (1) the evaluation and preliminary investigation conducted by the Office of State Ethics (“OSE”); (2) the finding of the Honorable Judge Trial Referee John T. Langenbach that there is probable cause to believe that the Respondent violated the Code of Ethics as alleged in the Complaint; and (3) the stipulations and admissions set forth herein, the OSE finds that the Respondent violated the Code of Ethics as further set forth herein.

The Parties have entered into this Consent Order following the issuance of the Complaint, and following a finding of probable cause, but without any final adjudication of any issue of fact or law herein.

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## I. STIPULATION

The Office of State Ethics and James Liss stipulate to the following facts:

1. At all times relevant hereto, the Respondent James Liss was employed as a Building Superintendent at the Connecticut Military Department (hereinafter "Military Department").
2. At all times relevant hereto, the Respondent was a "State Employee" as that term is defined in General Statutes § 1-79 (13).
3. Beginning no later than 2010 and continuing until no earlier than January 2014, the Respondent, by virtue of his state position, had access to gasoline and gasoline pumps owned by the state.
4. Beginning no later than 2010 and continuing until no earlier than January 2014, the Respondent used his access to the state gasoline pumps to obtain gasoline for his personal use.
5. The Respondent did not compensate the Military Department or any other state entity for the gasoline he obtained from state pumps for his own personal use.
6. Beginning no later than 2010 and continuing until no earlier than January 2014, the Respondent, by virtue of his state position, had access to state automobiles.
7. Beginning no later than 2010 and continuing until no earlier than January 2014, the Respondent repeatedly used a state automobile for his personal use.
8. On one occasion in February 2013 and on one occasion in December 2013, the Respondent used his access to state facilities to take copper and other metal (the "scrap metal") from state buildings and to then sell the scrap metal to a metal recycling center.
9. The Respondent directed subordinate state employees to assist in gathering scrap

metal and transporting it to the metal recycling center.

10. The Respondent received payment from the metal recycling center in exchange for the scrap metal which, on one occasion, he shared with the subordinates who had assisted him.

11. The Respondent did not provide any of the money he received from sale of the scrap metal to the Military Department or any other state entity.

12. On several occasions, beginning no later than 2010 and continuing until no earlier than January 2014, the Respondent and a subordinate employee cut down trees on Military Department property. Later, wood from the downed trees was brought to the Respondent's house so that the Respondent could use the wood for his own personal purposes. A subordinate employee, pursuant to the Respondent's direction, transported some of the wood to the Respondent's house during a time when the subordinate employee was being paid by the state to perform state work.

13. The Respondent did not compensate the State for the value of the wood, the use of state vehicles, or for the value of the time used by a subordinate employee to transport the wood to his house.

14. General Statutes § 1-84 (c) states in pertinent part:

No public official or state employee...shall use his public office or position or any confidential information received through his holding such public office or position to obtain financial gain for himself... or a business with which he is associated.

15. By using the state resources as described in the above paragraphs, the Respondent violated General Statutes § 1-84 (c) by using his state position to obtain financial gain for himself.

16. General Statutes § 1-84 (q) states:

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No public official or state employee shall intentionally counsel, authorize or otherwise sanction action that violates any provision of this part.

17. By directing subordinate employees to assist in his use of his state position to obtain financial gain, the Respondent counseled, authorized or otherwise sanctioned actions that violated the Code of Ethics for Public Officials, thereby violating General Statutes § 1-84 (q).

18. The Respondent admits to all facts set forth above and admits that, by engaging in such conduct, he violated the Code of Ethics for Public Officials.

## **II. RESPONDENT'S POSITION**

1. Respondent admits to the facts in the Stipulation but states that, at the time of his activities, he did not believe that his conduct violated the Code of Ethics.

2. Respondent states that he believed that he had authorization to use the state's automobile for personal use incident to his on call status for emergencies occurring at Camp Hartell.

3. Respondent states that he believed that he had authorization to use his access to the state's gas pumps and gasoline in order to fill the state's automobile with gasoline for his personal use of the state automobile incident to his on call status for emergencies occurring at Camp Hartell.

4. Respondent states that he believed that he had authorization to transport wood from state property, and believed that the Military Department had a policy in place that allowed Military Department employees to use the wood for personal purposes.

5. Respondent states that, with respect to the allegations in paragraphs 8 and 9 of the above Stipulation, he has made restitution to the state in the amount of \$654.50, which represents 100% of the proceeds from his sale of the scrap metal.

6. Respondent states that he believed that the scrap metal in question was not state property, but rather was property that a contractor had abandoned.

### **III. JURISDICTION**

1. The Office of State Ethics is authorized to investigate James Liss' acts as set forth herein, 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 Office of State Ethics over matters addressed in this Stipulation and Consent Order.

4. The Respondent waives any rights he 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 Office of State Ethics to an informal disposition of this matter as authorized by General Statutes § 4-177 (c).

5. The Respondent understands that the Citizen's Ethics Advisory Board is the sole entity with authority to accept or reject this Stipulation and Consent Order and that, if the Citizen's Ethics Advisory Board rejects, in whole or in part, this Stipulation and Consent Order, the Respondent agrees that, by his signature below, he waives any rights he may have to object to the Citizen's Ethics Advisory Board's future consideration of this matter pursuant to its duties under General Statutes §§ 1-82, 1-88, 1-89, or 4-177 (c).

6. The Respondent understands that this Stipulation and Consent Order is final and enforceable only upon the signature below of the Chairman of the Citizen's Ethics Advisory Board.

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7. 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.

8. The terms set forth herein are in addition to, and not in lieu of, any other existing or future statutory, regulatory, or other legal obligation that may be applicable to the Respondent.

9. The Respondent understands that he has a right to counsel and has been represented by counsel throughout the OSE's evaluation and preliminary investigation of this matter, and in connection with this Stipulation and Consent Order.

#### **IV. ORDER**

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

1. Pursuant to General Statutes § 1-88 (a) (1), the Respondent will cease and desist from any future violation of § 1-84 (c).

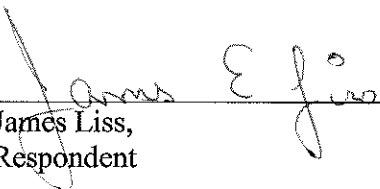
2. Pursuant to General Statutes § 1-88 (a) (1), the Respondent will cease and desist from any future violation of § 1-84 (q).

3. Pursuant to General Statutes § 1-88 (a) (3), the Respondent will pay civil penalties to the State in the amount of two thousand seven hundred and fifty dollars (\$2,750) for his violation of General Statutes § 1-84 (c) as set forth in the Complaint and herein.


4. Pursuant to General Statutes § 1-88 (a) (3), the Respondent will pay civil penalties to the State in the amount of two thousand seven hundred and fifty dollars (\$2,750.00) for his violations of General Statutes § 1-84 (q) as set forth in the Complaint and herein.

WHEREFORE, the Office of State Ethics and James Liss, the Respondent, hereby execute this Stipulation and Consent Order dated June 25, 2015.

Dated: 6-17-15

  
James Liss,  
Respondent

Dated: 06/18/15

  
Charles F. Chiusano, Chairman  
Citizen's Ethics Advisory Board  
Office of State Ethics  
18-20 Trinity Street  
Hartford, CT 06106

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