



STATE OF CONNECTICUT  
STATE ETHICS COMMISSION

July 16, 1987

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

On July 30, 1986, Ethics Commission Attorney Alan Plofsky filed a complaint (Docket No. 86-1) against Mr. Richard Nicoll, then State Workers' Compensation Administrator. The Complaint was amended on April 9, 1987, as a result of further investigation into the matter.

The Amended Complaint alleged that Mr. Nicoll had committed various violations of the State's Code of Ethics for Public Officials in connection with a Workers' Compensation claim he had filed.

On July 7 and 8, 1987, the Ethics Commission held a preliminary hearing on the Amended Complaint.

At the close of the Hearing the Commission determined that there was probable cause to believe that the Respondent had violated the Code of Ethics in this matter. Copies of the Commission's Notice of the Results of the Preliminary Investigation and the Commission's Findings are attached.

As provided for in the Uniform Administrative Procedure Act, and consistent with Ethics Commission policy, the Commission directed Attorney Alan Plofsky to attempt to negotiate a settlement of this matter with the Respondent. Absent a negotiated settlement, the Commission will proceed to a formal public hearing on the probable cause findings, and will notify the Attorney General that the Respondent in this case may have knowingly acted in his financial interest in violation of the Ethics Code. In such an instance, the Attorney General is authorized to bring a civil action against the Respondent to recover any financial benefit resulting from possible violation of the Code plus twice that amount in additional damages.

FOR FURTHER INFORMATION CALL:

Alan Plofsky, Esq.  
State Ethics Commission  
566-4472

Phone: (203) 566-4472

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STATE OF CONNECTICUT  
STATE ETHICS COMMISSION

December 2, 1987

Skelley, Clifford, Vinkels, Williams & Rottner, P.C.  
12 Charter Oak Plaza  
P.O. Box 14890  
Hartford, CT 06106

Re: Docket No. 86-1 (Richard Nicoll)

Dear Sir or Madam:

Since it has not been possible to reach a negotiated settlement of this case, the Ethics Commission has referred the matter to the Attorney General pursuant to subsection 1-88(d), General Statutes. A copy of the referral letter is enclosed.

Very truly yours,

  
Alan S. Plofsky, Esq.

ASP:cas

P.S. I am sending this correspondence to you, because Attorney Clifford represented Mr. Nicoll before the Ethics Commission. If your firm is no longer representing Mr. Nicoll, please advise.



STATE OF CONNECTICUT  
STATE ETHICS COMMISSION

December 2, 1987

The Honorable Joseph I. Lieberman, Attorney General  
30 Trinity Street  
Hartford, CT 06106

Dear Attorney General Lieberman:

Under subsection 1-88(d), General Statutes, "Any person who knowingly acts in his financial interest in violation of section 1-84, 1-85 or 1-86 or any person who knowingly receives a financial advantage resulting from a violation of said sections shall be liable for damages in the amount of such advantage. If the Commission determines that any person may be so liable, it shall immediately inform the attorney general of that possibility."

Pursuant to this subsection, the Ethics Commission hereby notifies you that it has determined that Mr. Richard Nicoll, the Respondent in Ethics Commission Docket No. 86-1, may have knowingly acted in his financial advantage in violation of sections 1-84 and 1-86, General Statutes. A copy of the Commission's specific findings is attached.

As you know, under subsection 1-89(c), General Statutes, "The attorney general may bring a civil action against any person who may be liable for damages under the provisions of subsection (d) of section 1-88. In any such action, the attorney general may in the discretion of the court, recover additional damages in an amount not exceeding twice the amount of the actual damages."

If you have any questions regarding this matter, please contact Alan S. Plofsky, Ethics Commission Staff Attorney.

By order of the Commission,

\_\_\_\_\_  
Cindy Cannata  
Clerk of the Commission

ASP/CAC/cas

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STATE OF CONNECTICUT  
STATE ETHICS COMMISSION

DOCKET NUMBER 86-1 ) STATE ETHICS COMMISSION  
 IN THE MATTER OF A ) 97 ELM STREET (REAR)  
 COMPLAINT AGAINST ) HARTFORD, CONN. 06106  
 MR. RICHARD NICOLL ) JULY 15, 1987

NOTICE OF TERMINATION OF PRELIMINARY INVESTIGATION  
AND RESULTS THEREOF

Pursuant to Section 1-82a, Connecticut General Statutes, the State Ethics Commission declares that on July 8, 1987 it terminated the preliminary investigation conducted with regard to Docket Number 86-1.

As a result of this investigation:

1. The Commission unanimously (6-0) found that there exists probable cause to believe that the Respondent has committed four violations of the Code of Ethics for Public Officials, Chapter 10, Part I, Connecticut General Statutes as alleged in the Amended Complaint issued in this matter. The violations are specified in paragraphs 14, 15, 16, and 17 of the attached "Findings".

2. Due to a lack of four concurring votes, the Commission did not find probable cause to believe the Respondent had violated subsection 1-84(c), Connecticut General Statutes, as alleged in the Amended Complaint, when he mailed his workers' compensation claim to "State of Ct., 165 Capitol Av., Hartford, 06106". (three votes for probable cause, two against, one abstention)

3. The Commission unanimously (6-0) dismissed the other violations alleged in the Amended Complaint based on the conclusion that these allegations were adequately addressed by the four findings of probable cause.

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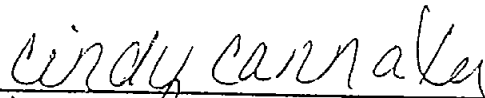
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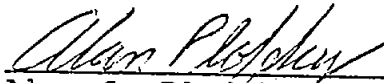
4. With respect to the four violations for which probable cause was found, the Commission, by unanimous vote, additionally found probable cause to believe that the Respondent's actions were not inadvertent; but, rather, that he had knowingly acted in his financial interest in violation of sections 1-84 and 1-86, Connecticut General Statutes.

By the order of the Commission,



Cindy Cannata  
Cindy Cannata  
Clerk of the Commission

I certify that copies of the foregoing "NOTICE" and attached "FINDINGS" were delivered to the Attorney for the Respondent, Thomas Clifford, Esq., on July 15, 1987.



Alan S. Plofsky  
Alan S. Plofsky  
Attorney at Law

ETHICS COMMISSION FINDINGS  
DOCKET NO. 86-1

As a result of the preliminary hearing conducted regarding Docket No. 86-1, the Commission unanimously finds that there exists probable cause to believe the following facts:

1. Since September 30, 1983, and at all times relevant to this Complaint, Mr. Richard Nicoll (hereinafter the "Respondent") was employed by the State of Connecticut as Workers' Compensation Administrator in the Personnel Division of the Department of Administrative Services (D.A.S.). By virtue of said employment Mr. Nicoll was a "State employee" (subsection 1-79(k), General Statutes) subject to the provisions of the Code of Ethics for Public Officials (Chapter 10, Part I, General Statutes).

2. On or about December 10, 1985 the Respondent mailed, by registered mail, return receipt requested, to "State of Ct, 165 Capitol Av, Hartford, 06106" an envelope which contained a Workers' Compensation Form No. 30 C entitled "Form For Notice of Claim For Compensation" (hereinafter "Form 30 C"). Said Form 30 C stated a claim for compensation for "acute stress reaction, anxiety, sleeplessness, general physical ailments, depression" occurring on November 4, 1985 as a result of the Respondent's employment with the State. Said Form 30 C was in the handwriting of the Respondent, dated December 10, 1985, and signed by him. As Workers' Compensation Administrator, the Respondent was aware of the proper and complete address (D.A.S. Payroll Unit, Room 502, State Office Building, 165 Capitol Avenue, Hartford, Conn. 06106) at which to file such a Workers' Compensation claim.

3. The envelope containing the Form 30 C was received in the central mailroom of the State Office Building, 165 Capitol Avenue, Hartford, by Paul W. Rucker, mail clerk, who signed the return receipt ("green card") on December 11, 1985. Due to the vagueness of the addressee Mr. Rucker did not know to what agency or office to direct the envelope. Therefore, acting in accordance with mail room procedures as he understood them, Mr. Rucker returned the letter unopened to the United State Postal Service in Hartford with the notation "Return: Insufficient Address". The Hartford Post Office then sent the envelope to the post office of origin, West Hartford.

4. On or about December 13, 1985 the Respondent was notified to pick up the returned letter at the West Hartford Post Office. Upon appearing at the post office, the Respondent was informed by Postal Clerk Susan Ironfield that she had for him the subject envelope which had been returned because of insufficient address. She informed him that if he would provide a more specific address the envelope would be delivered.

5. The Respondent refused to provide a more specific address, and also refused to sign for and accept the subject envelope for which he had received a return receipt ("green card"). The Respondent was aware from his conversation with Ms. Ironfield that his refusal to either sign for and accept the envelope or provide a more specific address would result in the envelope being sent to the dead letter office. The envelope was then sent to the dead letter office in Boston, Massachusetts.

6. By statute, subsection 31-297(b), General Statutes, an employer cannot contest a Workers' Compensation claim unless it files a notice to contest with twenty days of having received a written notice of the claim. As Workers' Compensation Administrator the Respondent was aware of this legal requirement.

7. In early January, 1986, the Respondent transmitted to Ms. Diane Preble, D.A.S. Payroll Supervisor, a copy of the subject Form 30 C, a copy of the subject green card, a partially completed Form WC-207 entitled "Report of Accident or Occupational Disease to An Employee" (hereinafter "Form 207"), and a cover letter, dated January 6, 1986, written on his official State letterhead, and signed by him. Through a continuing working relationship, Ms. Preble was aware of the Respondent's position as Workers' Compensation Administrator. The letter stated that the materials were being sent so that Ms. Preble could complete the Form 207 for processing to MacDonald. (By contract J. Neale MacDonald Inc. administers the State's Workers' Compensation claims). Also, the letter specifically stated "Please note that a 30-C was received December 11th (copy attached)". In fact, neither the original Form 30 C, mailed on or about December 10, 1985, a copy of the form, nor any other document indicating that the Respondent had filed a Workers' Compensation claim was received at the D.A.S. Payroll Unit for processing prior to January 7, 1986.

8. Upon receipt of these materials (paragraph 7, above) Ms. Preble contacted the Respondent to inquire why he was submitting such a claim. Ms. Preble requested instructions from the Respondent in his role as Workers' Compensation Administrator on how to proceed, since, within the previous month, she had sought instructions from the Respondent on an apparently similar stress claim submitted by one Lucy Kmietek. With regard to the Kmietek

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claim, the Respondent had alerted Ms. Preble to watch out for the filing of a form 30-C, and had instructed her to forward all materials to MacDonald Company immediately, since there was a twenty day limit on the State's right to contest a claim after notice was received. He had also advised Ms. Preble that it was the State's general policy to contest stress claims as non-work related. In addition, the Respondent had referred Ms. Preble to a June 26, 1985 memo he had issued on the subject of Workers' Compensation claims. With regard to his own claim, the Respondent instructed Ms. Preble to send it in to MacDonald Company.

9. It was part of the Respondent's official duties and responsibilities as Workers' Compensation Administrator to manage and direct the State's Loss Control program, including the prevention of losses resulting from the State's inability to contest claims due to a failure to file a notice to contest within the statutory twenty day period; to provide advice and instruction on Workers' Compensation issues, including loss control, to State personnel involved in administering the program; and to serve as the principal State official responsible for requesting investigation of possibly dubious claims.

10. At no time between December 10, 1985 and January 22, 1986 did the Respondent in any way advise Ms. Preble, his supervisor, or anyone else in his agency that he was requesting to be disqualified from taking any official action regarding his claim, nor did he, in fact, make any such request or otherwise disqualify himself.

11. At the Respondent's direction (paragraph 8, above) Ms. Preble processed his claim and transmitted it to MacDonald Company. On or about January 17, 1986 the subject Workers' Compensation claim was received at MacDonald Company. There it was processed primarily by Ms. Elizabeth Baribeault.

12. During the period January 7 - 22, 1986, the Respondent had a conversation with Ms. Baribeault regarding the progress of his Workers' Compensation claim. Through a continuing working relationship, Ms. Baribeault was aware of the Respondent's position with the State, including his official role in monitoring Macdonald Company's performance of its contract with the State, and in alerting Macdonald Company to particular claims that they should scrutinize for possible contestment. During this conversation, which took place in the course of the Respondent's official duties, the Respondent reminded Ms. Baribeault that the State was precluded from contesting his claim because the twenty day statutory period had elapsed, and asked her to produce a voluntary agreement regarding the matter. Ms. Baribeault did so. In fact, if Ms. Baribeault had



known that the State did not receive actual notice of the Respondent's claim until January 7, 1986, she would, in all likelihood, have filed a notice to contest the claim.

13. On or about January 22, 1986 the Respondent and the State, through its Insurer, entered into a voluntary agreement based on the subject claim. On or about January 27, 1986 the Commissioner for the First Workers' Compensation District of Connecticut approved this agreement. As a result, the Respondent has, to date, received approximately \$1,600.00 in benefits to which he was not otherwise entitled. Furthermore, under the terms of this voluntary agreement the Respondent, his spouse, and children can be entitled to receive future financial gain pursuant to the provisions of the Workers' Compensation Act, Chapter 568, General Statutes.

As a consequence of the above findings of fact, the Commission unanimously finds that there exists probable cause to believe that the following violations of the Code of Ethics for Public Officials, Chapter 10, Part I, General Statutes, have been committed by the Respondent in this matter:

14. The Respondent had an official duty as Workers' Compensation Administrator to prevent losses to the State resulting from the State's inability to contest Workers' Compensation claims due to a failure to file a notice to contest within the twenty day statutory period. (Paragraph 9, above). This duty required him to take official action (i.e., to alert MacDonald Company to the existence of his claim) when, on or about December 13, 1985, he allowed the envelope containing his Form 30 C to be sent to the dead letter office, after having obtained a return receipt ("green card") indicating that the State had received his Form 30 C. (Paragraph 5, above). This duty required the Respondent to take an official action which would affect a financial interest of himself, his spouse or child; and, therefore, required him to proceed in accordance with subsection 1-86(a), General Statutes. He did not do so. (Paragraph 10, above). As a result, the Respondent violated subsection 1-86(a), General Statutes which states in pertinent part that "Any...state employee who, in the discharge of his official duties, would be required to take an action that would affect a financial interest of himself, his spouse, [or] child...shall be excused from...taking action on the matter if he so requests, but if he does not make such request...he shall prepare a written statement signed under penalty of false statement describing the matter requiring action and the nature of the potential conflict and deliver a copy of the statement to his immediate superior...who shall assign the matter to another employee...".

15. On or about January 6, 1986, the Respondent sent to Ms. Diane Preble certain materials for the purpose of having his Workers' Compensation claim processed. These materials included a cover letter, dated January 6, 1986, written on the Respondent's official State letterhead, and signed by him. Through a continuing working relationship, Ms. Preble was aware that the Respondent was the State's Workers' Compensation Administrator. The cover letter stated in part "Please note that a 30-C was received December 11th (copy attached)". In fact, the State did not receive actual notice of the Respondent's claim until January 7, 1986. (Paragraph 7, above.) Given these facts, the Respondent's use of his official State letterhead and his statement in the letter regarding receipt of the Form 30-C constituted a use of his public position in violation of subsection 1-84(c), General Statutes, which states in pertinent part that "...no state employee shall use his public...position...to obtain financial gain for himself, his spouse, [or] child".

16. The Respondent had an official duty as Workers' Compensation Administrator to provide advice and instruction on Workers' Compensation issues to State personnel involved in administering the program. (Paragraph 9, above.) When Ms. Diane Preble requested him to provide such advice and instruction regarding his own claim, he did so. (Paragraph 8, above.) In performing this duty the Respondent was taking a required official action which would affect a financial interest of himself, his spouse or child; and therefore should have proceeded in accordance with subsection 1-86(a), General Statutes. He did not do so. (Paragraph 10, above.) As a result, the Respondent violated subsection 1-86(a), General Statutes which states in pertinent part that "Any...state employee who, in the discharge of his official duties, would be required to take an action that would affect a financial interest of himself, his spouse, [or] child...shall be excused from...taking action on the matter if he so requests, but if he does not make such request...he shall prepare a written statement signed under penalty of false statement describing the matter requiring action and the nature of the potential conflict and deliver a copy of the statement to his immediate superior...who shall assign the matter to another employee...".

17. Between January 7 - 22, 1986, the Respondent had a conversation with Ms. Elizabeth Baribeault of MacDonal Company regarding the progress of his Workers' Compensation claim. Through a continuing working relationship, Ms. Baribeault was aware of the Respondent's position with the State. During this conversation, which took place in the course of the Respondent's official duties, the Respondent reminded Ms. Baribeault that the

State was precluded from contesting his claim because the twenty day statutory period had elapsed, and asked her to produce a voluntary agreement regarding the claim. Ms. Baribeault did so. In fact, if Ms. Baribeault had known that the State did not receive actual notice of the Respondent's claim until January 7, 1986, she would, in all likelihood, have filed a notice to contest his claim. (Paragraph 12, above.) Given these facts, the Respondent's statement that the State was precluded from contesting his claim because the twenty day statutory period had elapsed constituted a use of his public position in violation of subsection 1-84(c), General Statutes, which states in pertinent part that "...no state employee shall use his public...position...to obtain financial gain for himself, his spouse, [or] child".

By order of the Commission,

*Cindy Cannata*

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Cindy Cannata  
Clerk of the Commission



STATE OF CONNECTICUT  
STATE ETHICS COMMISSION

C O N F I D E N T I A L

DOCKET NUMBER 86-1	)	STATE ETHICS COMMISSION
IN THE MATTER OF A	)	97 ELM STREET (REAR)
COMPLAINT AGAINST	)	HARTFORD, CONN. 06106
MR. RICHARD NICOLL.	)	APRIL 9, 1987

AMENDMENT TO COMPLAINT

As a result of the preliminary investigation of this matter, conducted pursuant to subsection 1-82(a), General Statutes, the Complaint against Mr. Richard Nicoll is hereby amended as follows:

It is hereby alleged that:

1. Since September 30, 1983, and at all times relevant to this Complaint, Mr. Richard Nicoll (hereinafter the "Respondent") was employed by the State of Connecticut as Workers' Compensation Administrator in the Personnel Division of the Department of Administrative Services (D.A.S.). By virtue of said employment Mr. Nicoll was a "State employee" (subsection 1-79(k), General Statutes) subject to the provisions of the Code of Ethics for Public Officials (Chapter 10, Part I, General Statutes).

2. On or about December 10, 1985 the Respondent mailed, by registered mail, return receipt requested, to "State of Ct, 165 Capitol Av, Hartford, 06106" an envelope which contained a Workers' Compensation Form No. 30 C entitled "Form For Notice Of Claim For Compensation" (hereinafter "Form 30 C"). Said Form 30 C stated a claim for compensation for "acute stress reaction, anxiety, sleeplessness, general physical ailments, depression" occurring on November 4, 1985 as a result of the Respondent's employment with the State. Said Form 30 C was apparently in the handwriting of the Respondent, dated December

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10, 1985, and signed by him. As Workers' Compensation Administrator, the Respondent was, or should have been, aware of the proper and complete office address (D.A.S. Payroll Unit, Room 502, State Office Building, 165 Capitol Avenue, Hartford, Conn. 06106) at which to file such a Workers' Compensation claim.

3. The envelope containing the Form 30 C was received in the central mailroom of the State Office Building, 165 Capitol Avenue, Hartford, by Paul W. Rucker, mail clerk, who signed the return receipt ("green card") on December 11, 1985. Due to the vagueness of the addressee Mr. Rucker did not know to what agency or office to direct the envelope. Therefore, acting in accordance with mail room procedures as he understood them, Mr. Rucker returned the letter unopened to the United States Postal Service in Hartford with the notation "Return: Insufficient Address". The Hartford Post Office then sent the envelope to the post office of origin, West Hartford.

4. On or about December 13, 1985 the Respondent was notified to pick up the returned letter at the West Hartford Post Office. Upon appearing at the post office, the Respondent was informed by Postal Clerk Susan Ironfield that she had for him the subject envelope which had been returned because of insufficient address. She informed him that if he would provide a more specific address the envelope would be delivered.

5. The Respondent refused to sign for or accept the envelope. He stated that he had received a signed green card and therefore considered the envelope delivered. The envelope was then sent to the dead letter office in Boston, Massachusetts.

6. By statute, subsection 31-297(b), General Statutes, an employer cannot contest a Workers' Compensation claim unless it files a notice to contest with twenty days of having received a written notice of the claim. As Workers' Compensation Administrator the Respondent was, or should have been, aware of this legal requirement.

7. In early January, 1986, the Respondent transmitted to Ms. Diane Preble, D.A.S. Payroll Supervisor, a copy of the subject Form 30 C, a copy of the subject green card, a partially completed Form WC-207 entitled "Report of Accident or Occupational Disease to An Employee" (hereinafter "Form 207"),

and a cover letter, dated January 6, 1986. The letter stated that the materials were being sent so that Ms. Preble could complete the Form 207 for processing to MacDonald. (By contract J. Neale MacDonald Inc. administers the State's Workers' Compensation claims). Also, the letter specifically stated "Please note that a 30-C was received December 11th (copy attached)". In fact, neither the original Form 30 C, mailed on or about December 10, 1985, a copy of the form, nor any other document indicating that the Respondent had filed a Workers' Compensation claim was received at the D.A.S. Payroll Unit for processing prior to January 7, 1986.

8. Upon receipt of these materials (paragraph 7, above) Ms. Preble contacted the Respondent to inquire why he was submitting such a claim. Ms. Preble requested instructions on how to proceed, since, within the previous month, she had sought instructions from the Respondent on an apparently similar stress claim submitted by one Lucy Kmietek and had been told by the Respondent that such a claim was not covered by Workers' Compensation and would have to be challenged.

9. It was part of the Respondent's official duties and responsibilities as Workers' Compensation Administrator to provide such advice and instruction on Workers' Compensation issues (paragraph 8, above) to State personnel involved in administering the program, and to serve as the principal State official responsible for requesting investigation of apparently dubious claims.

10. The Respondent answered Ms. Preble's questions by instructing her to process his claim. He stated that 'he was trying to prove a point' and that 'there was nothing specifically written down about these sorts of claims'.

11. At no time did the Respondent in any way advise Ms. Preble, his supervisor, or anyone else in his agency that he was requesting to be disqualified from taking any official action regarding this matter, nor did he, in fact, make any such request or otherwise disqualify himself.

12. At the Respondent's direction (paragraph 10, above) Ms. Preble processed his claim and transmitted it to MacDonald Company. On or about January 17, 1986 the subject Workers' Compensation claim was received at MacDonald Company. There it was processed primarily by Ms. Elizabeth Baribeault.

13. During the period January 7 - 22, 1986, the Respondent called Ms. Baribeault more than once to check into the progress of his claim. Through a continuing working relationship, Ms. Baribeault was aware of the Respondent's position with the State, including his role in monitoring Macdonald Company's performance of its contract with the State, in awarding future contracts and contract renewals, and in requesting investigation of apparently dubious claims. During the course of these calls the Respondent reminded Ms. Baribeault that the State was precluded from contesting his claim because the twenty day statutory period had elapsed and directed her to produce a voluntary agreement regarding the matter. Ms. Baribeault interpreted these calls as pressure to produce a voluntary agreement quickly, and did so.

14. On or about January 22, 1986 the Respondent and the State, through its Insurer, entered into a voluntary agreement based on the subject claim. On or about January 27, 1986 the Commissioner for the First Workers' Compensation District of Connecticut approved this agreement. As a result, the Respondent has, to date, received approximately \$1,600.00 in benefits to which he was not otherwise entitled. Furthermore, under the terms of this voluntary agreement the Respondent, his spouse, and children are entitled to receive future financial gain pursuant to the provisions of the Workers' Compensation Act, Chapter 568, General Statutes.

15. The Respondent's alleged actions in this matter (paragraphs 2, 5, 7, 10, and 13, above) violate subsection 1-84(c), General Statutes, which states in pertinent part that "...no...state employee shall use his public...position or any confidential information received through his holding such public...position to obtain financial gain for himself, his spouse, [or] child".

16. The Respondent's alleged instruction to Ms. Preble to process his claim (paragraph 10, above) violates subsection 1-84(a) and section 1-85, General Statutes, which read in pertinent part that "No...state employee shall, while serving as such, have any financial interest in, or engage in, any...transaction...which is in substantial conflict with the proper discharge of his duties or employment in the public interest and of his responsibilities as prescribed in the laws of this state, as defined in section 1-85." (subsection 1-84(c), General Statutes) "A...state employee has an interest which is in substantial conflict with the proper discharge of

his duties or employment in the public interest and of his responsibilities as prescribed in the laws of this state, if he has reason to believe or expect that he will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his official activity." (section 1-85, General Statutes)

17. The Respondent's alleged failure to take any steps to disqualify himself from having to take action on his Workers' Compensation claim (paragraph 11, above) violates subsection 1-86(a), General Statutes, which states in pertinent part that "Any...state employee who, in the discharge of his official duties, would be required to take an action that would affect a financial interest of himself, his spouse, [or] child...shall be excused from...taking action on the matter if he so requests, but if he does not make such request...he shall prepare a written statement signed under penalty of false statement describing the matter requiring action and the nature of the potential conflict and deliver a copy of the statement to his immediate superior...who shall assign the matter to another employee...".

  
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Alan S. Plofsky, Esq.

4/9/87  
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Dated