

OFFICE OF STATE ETHICS

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|-----------------------|---|------------------------|
| DOCKET NUMBER 2008-23 | : | OFFICE OF STATE ETHICS |
|                       | : |                        |
| IN THE MATTER OF A    | : | 18-20 TRINITY STREET   |
|                       | : |                        |
| COMPLAINT AGAINST     | : | HARTFORD, CT 06106     |
|                       | : |                        |
| CYNTHIA MCCLENDON     | : | FEBRUARY 24, 2010      |

STIPULATION AND CONSENT ORDER

Pursuant to the Code of Ethics, General Statutes sections 1-79, et seq., Thomas K. Jones, Ethics Enforcement Officer for the Office of State Ethics (“OSE”), issued a Complaint against the Respondent Cynthia McClendon (“McClendon” or “Respondent”) for violations of the Code of Ethics, Connecticut General Statutes sections 1-84(c) and 1-84(g). Based on the investigation by the Enforcement Division of the OSE, the Ethics Enforcement Officer finds there is probable cause to believe that the Respondent, while employed by the Connecticut Judicial Branch as a Judicial Marshal, accepted a gift in the form of cash from a bail bondsman Philip Jacobs and/or his company Jacobs Bail Bonds in exchange for, or in consideration of, or as a reward for, assisting him in his business. Consequently, the Ethics Enforcement Officer finds there is probable cause to believe that the Respondent used her state position to obtain financial gain for herself in violation of General Statutes section 1-84(c), and that the Respondent accepted a gift based on the understanding that her official actions would be or had been influenced thereby, in violation of General Statutes section 1-84(g).



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

### **1. STIPULATION**

The Ethics Enforcement Officer and the Respondent stipulate to the following facts:

1. On July 30, 2007, and at all times relevant hereto, the Respondent was employed as an administrative assistant for the Connecticut Division of Public Defender Services and worked in the Public Defender's Office at the courthouse at 121 Elm Street, New Haven, Connecticut.

2. On or about July 30, 2007, and at all times relevant hereto, the Respondent was a "State Employee" as that term is defined in General Statutes §1-79(m).

3. At all times relevant hereto, Philip Jacobs ("Jacobs") was a bail bondsman in New Haven, Connecticut. As a bail bondsman, Jacobs was responsible for paying the State of Connecticut at least 50% of the bond posted by them if the bonded arrestee failed to appear in Connecticut state court as required by the bond.

4. On or about July 30, 2007, Jacobs contacted the Respondent and requested that she provide him with a state file from her office, which file contained information on a bonded arrestee client of Jacobs.

5. On or about July 30, 2007, the Respondent complied with Jacobs' request and brought home the requested file from work where Jacobs eventually picked it up from her.

6. In return for the Respondent providing the file to Jacobs, Jacobs gave the Respondent \$500.

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

No public official or state employee shall wilfully and knowingly disclose, for financial gain, to any other person, confidential information acquired by him in the course of and by reason of his official duties or employment and 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[.]

7. By providing the state file to Jacobs for \$500, the Respondent used her state position to obtain financial gain in violation of General Statutes §1-84(c).

8. General Statutes §1-84(g) states in pertinent part:

No... state employee ... shall... accept anything of value... based on any understanding that... official action or judgment of the ... state employee... would be or had been influenced thereby.

9. The Respondent, accepted cash from Jacobs based on the understanding that her actions as a state employee would be influenced thereby, thus violating General Statutes §1-84(g).

10. The Respondent has been represented by legal counsel throughout the investigation of this matter, and throughout the negotiation of the Stipulation and Consent Order.

11. The Respondent admits to the conduct described herein, and admits that said conduct violated Connecticut General Statutes sections 1-84(c) and 1-84(g).

## **II. JURISDICTION**

1. The Ethics Enforcement Officer is authorized to investigate the Respondent's employment practices, to issue a Complaint against the Respondent, 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 undersigned Parties.

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 sections 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 section 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.

6. 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.



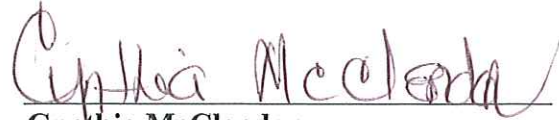
### III. ORDER

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

1. Pursuant to General Statutes section 1-88(a)(1), the Respondent will heretofore cease and desist from any future violation of General Statutes § 1-84(c).
2. Pursuant to General Statutes section 1-88(a)(1), the Respondent will heretofore cease and desist from any future violation of General Statutes § 1-84(g).
3. Pursuant to General Statutes section 1-88(a)(3), the Respondent will pay civil penalties to the State in the amount of one thousand five hundred dollars (\$ 1,500), according to the terms set forth in Exhibit A hereto, for her violation of General Statutes sections 1-84(c) and 1-84(g).
4. The Respondent shall not seek or enter into employment with the state of Connecticut for two (2) years following the execution of this Stipulation and Consent Order.
5. The Respondent shall not seek or enter into any contract for services with the state of Connecticut for two (2) years following the execution of this Stipulation and Consent Order.
6. If the Respondent, in the future, becomes employed as a state employee, the Respondent shall be subject to the filing requirements of General Statutes section 1-83 (statement of financial interests) for each year in which she serves as a state employee.

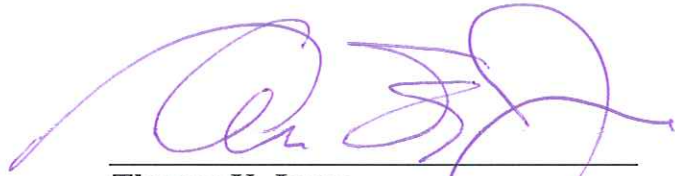
**WHEREFORE**, the Ethics Enforcement Officer and the Respondent hereby execute this Stipulation and Consent Order dated February 24, 2010.

Dated: 3/16/2010



**Cynthia McClendon**  
Respondent  
215 Olive Street  
New Haven, CT 06511

Dated: 4/5/2010



**Thomas K. Jones**  
Ethics Enforcement Officer  
Connecticut Office of State Ethics  
18-20 Trinity Street  
Hartford, CT 06106  
(860) 263-2390

**EXHIBIT A- DOCKET NUMBER 2008-23**

1. The Respondent, Cynthia McClendon, shall make the following payments to the Office of State Ethics according to the following schedule:
  - a. \$50.00 shall be received by the Office of State Ethics no later than the last day of each month, for a period of 30 months, commencing March of 2010 and ending August of 2012.
2. Failure to provide payments according to the schedule herein shall constitute a violation of an Order of the Office of State Ethics.
3. Any failure or delay by the Office of State Ethics to enforce the terms of this Consent Order, including this Exhibit A, shall not be deemed a waiver of such right to enforce the terms at any time of its choosing.
4. In consideration for the Office of State Ethics' acceptance of the extended payment schedule set forth herein, and in addition to any other remedy available to the Office of State Ethics, the Respondent agrees that, if the Respondent fails to make any payment pursuant to the terms of this Exhibit A, the Office of State Ethics, at its sole discretion and without further adjudication of any issue, may unilaterally rescind the Consent Order in this matter and proceed in its prosecution of the original Complaint. In such an event, Respondent agrees that she waives any defense she may have based on laches, statute of limitations, or any other time-based defense.