

OFFICE OF STATE ETHICS

DOCKET NUMBER 2009-75	:	OFFICE OF STATE ETHICS
	:	
IN THE MATTER OF A	:	18-20 TRINITY STREET
	:	
COMPLAINT AGAINST	:	HARTFORD, CT 06106
	:	
DAVID G. CARTER	:	APRIL 19, 2011

STIPULATION AND CONSENT ORDER

Pursuant to the Code of Ethics, General Statutes § 1-79, et seq., Thomas K. Jones, Ethics Enforcement Officer for the Office of State Ethics (“OSE”), issued a Complaint against the Respondent David G. Carter (“Dr. Carter” or “Respondent”) for violations of the Code of Ethics, Connecticut General Statutes § 1-86. Based on the investigation by the Enforcement Division of the OSE, the Office of State Ethics finds there is probable cause to believe that the Respondent, the former Chancellor of the Connecticut State University System, violated the Code of Ethics as set forth in the Complaint.

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.

I. STIPULATION

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

1. Beginning on or about October 10, 2006 and continuing through the date of this Complaint, Dr. Carter was Chancellor of the Connecticut State University System.

2. At all times relevant hereto, Dr. Carter was a “state employee”, as that term is defined by General Statutes § 1-79 (m).

3. At all times relevant hereto, Dr. Carter was married to a dean at Southern Connecticut State University, one of the universities that comprise the Connecticut State University System.

4. Beginning no later than May 2008 and continuing through at least 2009, the Connecticut State University System operated under a “hiring freeze”, whereby the hiring for new positions - including administrative positions - was frozen. Under the terms of the hiring freeze, Dr. Carter, as Chancellor of the Connecticut State University System, retained and exercised authority to approve the hiring of administrators, including deans, for each of the universities that comprise the Connecticut State University System.

5. Beginning no later than May 2009 and continuing through at least 2009, Dr. Carter, as Chancellor of the Connecticut State University System, retained and exercised authority to approve the rehiring of retired administrators, including deans, for each of the universities that comprise the Connecticut State University System.

6. On or about June 2009, Dr. Carter’s spouse retired from state service.

7. On or about June 29, 2009, the President of Southern Connecticut State University faxed a memorandum to the Office of the Chancellor, addressed to Dr. Carter, seeking permission to rehire three administrators, one of whom was Dr. Carter’s spouse.

8. On or about July 1, 2009, the Office of the Chancellor, by memorandum signed by Dr. Carter’s Executive Assistant/Associate Vice Chancellor, approved the rehiring of Dr. Carter’s spouse as a rehired retiree appointment.

9. Pursuant to §1-86 (a) of the General Statutes:

Any public official or state employee... who, in the discharge of [his] official duties, would be required to take an action that would affect a financial interest of... such official's or employee's spouse... has a potential conflict of interest. Under such circumstances, such official or employee shall... prepare a written statement signed under penalty of false statement describing the matter requiring action and the nature of the conflict and deliver a copy of the statement to such official's or employee's immediate superior, if any, who shall assign the matter to another employee, or if such official or employee has no immediate supervisor, such official shall take such steps as the Office of State Ethics shall prescribe or advise.

10. As with other state employees and public officials, each time Dr. Carter was required to take action affecting the financial interest of his spouse, Dr. Carter was required to prepare a written statement, signed under penalty of false statement, describing the mater requiring action and the nature of the conflict and deliver a copy of the statement to his superior, the Board of Trustees of the Connecticut State University System.

11. When the Office of the Chancellor was asked to approve the rehiring of Dr. Carter's spouse, Dr. Carter did not prepare a written statement and deliver it to the Board of Trustees of the Connecticut State University System. In addition, when the Office of the Chancellor was asked to approve the rehiring of Dr. Carter's spouse, Dr. Carter did not contact the Office of State Ethics to solicit advice.

12. By failing to prepare a written statement to the Board of Trustees of the Connecticut State University System as set forth herein, Dr. Carter violated §1-86 (a) of the General Statutes.

II. RESPONDENT'S POSITION

1. Respondent states that, in 2008, the State of Connecticut announced a hiring freeze that generally affected the State University System. The universities that made up the State University System were prohibited from hiring any employees under the terms of that freeze except in certain limited circumstances. To ensure compliance with the terms of the hiring freeze, the State University System enacted a policy under which each State University was required to seek prior approval from the system office of any anticipated hire. If the CSUS Administrative office was convinced that any such anticipated hiring would not violate the hiring freeze, the Chancellor would approve the hiring.

2. Respondent states that, in 2009, the State of Connecticut announced a retirement incentive program under which some employees within the State University System were able to retire (the "2009 RIP").

3. Respondent states that, in 2009, the universities of the State University System sought to retain certain individuals that accepted retirement under the 2009 RIP by way of one or more 120 day appointments.

4. Respondent states that the State University System used a "Flow Chart" by way of which each university could request leave to retain certain retiring individuals. That procedure required each university to submit a request for retention to the system office with justification for that retention. The system office reserved the right to approve each such 120 day appointment.

5. Respondent states that, in 2009, Southern Connecticut State University submitted a request, dated June 30, 2009 by facsimile directed to the Associate Vice

Chancellor within the Chancellor's Office, to retain certain retiring employees, including Dr. Carter's spouse.

6. Respondent states that, in an attempt to recuse himself from taking any actions affecting the financial interests of his spouse and prior to June 30, 2009, Dr. Carter had established a practice and procedure in the system office under which any matter pertaining to his wife or more generally, to the office in which his wife worked, would be referred to the Associate Vice Chancellor for consideration.

7. Respondent states that the Associate Vice Chancellor approved the retention of Dr. Carter's spouse in accordance with Southern Connecticut State University's June 30, 2009 request by way of letter dated July 1, 2009 without the knowledge of or any consultation with Respondent.

8. Respondent states that he was completely unaware that the Associate Vice Chancellor had received or was acting upon any request pertaining to Respondent's wife until after the same had been approved by the Associate Vice Chancellor.

III. JURISDICTION

1. The Ethics Enforcement Officer is authorized to investigate the Respondent's acts as set forth herein, 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 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 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 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.

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.

7. The Respondent understands that he has the right to counsel and has been represented by counsel throughout the investigation and the negotiation of this Consent Order.

IV. ORDER

NOW THEREFORE, pursuant to General Statutes § 4-177 (c), the Office of State Ethics hereby **ORDERS**, and the Respondent 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 § 1-86.

2. Pursuant to General Statutes § 1-88 (a) (3), the Respondent will pay civil penalties to the State in the amount of two thousand dollars (\$2,000.00) for his violations of General Statutes § 1-86 as set forth in the Complaint.

WHEREFORE, the Ethics Enforcement Officer and the Respondent hereby execute this Stipulation and Consent Order dated April 19, 2011.

Dated: 4/19/11



Dr. David G. Carter

Dated: 4/20/11



Thomas K. Jones
Ethics Enforcement Officer
Connecticut Office of State Ethics
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