

**OFFICE OF STATE ETHICS**

DOCKET NUMBER 2010-30	:	OFFICE OF STATE ETHICS
	:	
IN THE MATTER OF A	:	18-20 TRINITY STREET
	:	
COMPLAINT AGAINST	:	HARTFORD, CT 06106
	:	
TERRENCE BACKER	:	NOVEMBER 9 APRIL __, 2012

**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 Terrence Backer (“Backer” or “Respondent”) for violations of the Code of Ethics, Connecticut General Statutes § 1-84 (d). 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, who was a Connecticut State Representative, 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. At all times relevant hereto, the Respondent was a member of the General Assembly and, as such, was a “public official,” as that term is defined in General Statutes § 1-79 (k).

2. At all times relevant hereto, the Respondent was the Executive Director of Soundkeeper, Inc. (“Soundkeeper”), a Connecticut corporation that, among other things, operated marine sewage pumpout boats in the Long Island Sound.

3. Beginning no later than January 2006, and continuing through the present time, Soundkeeper appeared before the Department of Environmental Protection to seek reimbursement for costs associated with its operation of pumpout boats in the Long Island Sound.

4. Beginning no later than January 2006, and continuing through no earlier than November 2009, Respondent executed certain documents directed to the Department of Environmental Protection on behalf of Soundkeeper in Soundkeeper’s effort to seek reimbursement for costs associated with its operation of pumpout boats in the Long Island Sound.

5. Pursuant to General Statutes § 1-84 (d), “no public official . . . shall agree to accept, . . . any employment, fee or other thing of value, or portion thereof, for appearing, agreeing to appear, or taking any other action on behalf of another person before . . . the Department of Environmental Protection . . .”

6. By executing documents on behalf of Soundkeeper and transmitting them to the Department of Environmental Protection as set forth herein, the Respondent “appeared” before the Department of Environmental Protection on behalf of Soundkeeper, and thereby violated General Statutes § 1-84 (d).

7. Each appearance by Respondent before the Department of Environmental Protection on behalf of Soundkeeper represented a distinct and separate violation of General Statutes § 1-84 (d).

8. Respondent admits to the foregoing facts.

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

1. Respondent states that he was unaware that his execution of documents on behalf of Soundkeeper constituted "appearing" before the Department of Environmental Protection, and was unaware that such conduct was a violation of the Code of Ethics.

2. Respondent believes that any violation of the Code of Ethics, as set forth above, was a "technical" one.

3. Respondent states that he executed the documents in question solely on behalf of Soundkeeper, and further states that he did not receive any favorable treatment nor, other than a pre-established salary from Soundkeeper, any consideration from any individual or entity, including the Department of Environmental Protection, for the execution and transmittal of the documents referenced herein.

## **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.

### **III. ORDER**

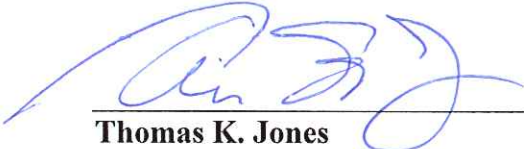
**NOW THEREFORE**, pursuant to General Statutes § 4-177 (c), the Office of State Ethics hereby **ORDERS**, and the Respondent agrees, that:

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

2. Pursuant to General Statutes § 1-88 (a) (3), the Respondent will pay civil penalties to the State in the amount of five hundred dollars (\$500.00) for his violations of General Statutes § 1-84 (d) as set forth in the Complaint.

**WHEREFORE**, the Ethics Enforcement Officer and the Respondent hereby execute this Stipulation and Consent Order dated ~~April~~ <sup>NOVEMBER 9,</sup> ~~\_\_\_~~, 2012.

Dated: 05/10/2012 Terrence Backer  
**Terrence Backer**

Dated: NOVEMBER 9, 2012   
**Thomas K. Jones**  
Ethics Enforcement Officer  
Connecticut Office of State Ethics  
18-20 Trinity Street  
Hartford, CT 06106  
(860) 263-2390