

OFFICE OF STATE ETHICS

DOCKET NUMBER 2011-80 :
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 IN THE MATTER OF A : 18-20 TRINITY STREET
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 :
 COMPLAINT AGAINST : HARTFORD, CT 06106
 :
 :
 KERMIT THOMPSON : DECEMBER 18, 2012

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 the Respondent Kermit Thompson (“Thompson” or “Respondent”), alleging violations of the Code of Ethics, Connecticut General Statutes § 1-84b (b). 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 violated the Code of Ethics as further set forth in herein.

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. From on or about 2005 until on or about August 5, 2011, Respondent was employed as Director of Project Management within the Bureau of Design and Construction of the Department of Construction Services (“DCS,” formerly the Department of Public Works).

2. From on or about 2005 until on or about August 5, 2011, Respondent was a “State Employee” as that term is defined in General Statutes § 1-79 (m).

3. Following his departure from state service, Respondent became a principal in Thompson/Edwards LLC, a Connecticut limited liability company with its principal place of business at 85 Willow Street in New Haven, Connecticut.

4. Following his departure from state service, but within one year of his departure from state service, Respondent (along with other entities) responded to a DCS “Request for Qualifications” (“RFQ”), soliciting the submittal of qualifications for a DCS construction project. The response to the RFQ submitted by Respondent (“the RFQ response”) identified “Kermit Thompson” as “Project Manager and Architecture” for the state contract.

5. The RFQ response specifically identified Respondent as a “contact person” for the RFQ, and proposed that Respondent would perform work on any state contract that was awarded as a result of the RFQ response.

6. The RFQ response included a cover letter that identified Respondent as a co-leader of the “team” submitting the RFQ response. The letter further described Respondent as having “extensive knowledge of this project,” and stated that Respondent would be “intimately involved” in the performance of the contract, if it were to be awarded to Respondent and his “team.”

7. The state had, and has, a substantial interest in the performance of its state contracts, and in the integrity of its contract-bidding processes.

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

No former executive branch . . . state employee shall, for one year after leaving state service, represent anyone, other than the state, for compensation before the department, agency, board, commission, council or office in which he served at the time of his

termination of service, concerning any matter in which the state has a substantial interest.

9. The Respondent, by engaging in the acts set forth above, represented someone other than the state for compensation before the DCS within one year of his departure from state service, in a matter in which the state had a substantial interest, in violation of General Statutes §1-84b (b).

10. Respondent admits to the foregoing facts, and admits that these facts constitute a violation of the Code of Ethics, General Statutes §1-84b (b).

II. RESPONDENT'S POSITION

1. Respondent admits that his conduct as outlined in the Stipulation violated the Code of Ethics, General Statutes §1-84b (b). Respondent states that the violation was unintentional because Respondent did not realize at the time that the prohibition against a former employee "representing" another party before his former agency extended to the type of activity he engaged in which gave rise to the Complaint.

2. Respondent states that he intended that the principal party to the contract would be another person and that the other person, not Respondent, would be the person who would present the proposal to DCS and sit for any interviews which might take place in connection with the proposal. Although he was identified as a member of the team of consultants who would render services under the contract under consideration, Respondent states that it was not obvious to him that his identification in the RFQ response also meant that he was thereby "representing" the contract applicant for compensation. Respondent states that he now understands that, by lending his name to the Request for Qualifications, he unintentionally violated the Code.

3. Respondent states that he left state employment involuntarily as a result of agency personnel cuts brought on by the state budget crises.

4. Respondent states that, when he departed state service, he was handed a Xeroxed pamphlet which stated that a one year prohibition existed against “representing” other persons for compensation before the former employing agency. However, Respondent states that the pamphlet contained no explanation or elaboration on the meaning of “representing others for compensation.” Respondent states that he did not understand from this pamphlet that he was not allowed to engage in the conduct alleged in the Complaint.

5. Respondent states that he did not realize any financial gain from the violation, and that the RFQ in question was not considered in the award process.

6. Respondent states that he cooperated fully with the investigation conducted by the Office of State Ethics.

III. JURISDICTION

1. The Ethics Enforcement Officer is authorized to investigate the Respondent’s 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 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 a right to counsel and has expressly and knowingly waived such right during the OSE's investigation 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 the Respondent agrees, that:

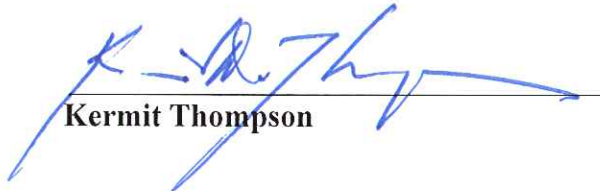
1. Pursuant to General Statutes § 1-88 (a) (3), the Respondent will pay civil penalties to the State in the amount of Two Thousand Dollars (\$2,000.00) for his violation of General Statutes § 1-84b (b) as set forth in the Complaint and herein.

2. For each of the calendar years of 2012, 2013 and 2014, Respondent will file an annual Statement of Financial Interests with the Office of State Ethics as set forth in General Statutes section 1-83 and the corresponding regulations.

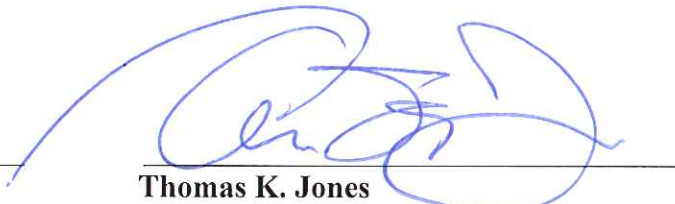
3. Within thirty (30) days of the entry of this Stipulation and Order, Respondent will seek guidance, in writing, from the Legal Division of the Office of State Ethics regarding the applicability of the Code of Ethics to: (a) any outside employment he maintains while he is a state employee; (b) any outside business with which he is associated while he is a state employee; and, (c) any activities he may seek to engage in upon his departure from state service.

WHEREFORE, the Ethics Enforcement Officer and the Respondent hereby execute this Stipulation and Consent Order dated December 18, 2012.

Dated: 12-18-2012


Kermit Thompson

Dated: 12-19-2012


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