

OFFICE OF STATE ETHICS

DOCKET NUMBER 2012-45	:	OFFICE OF STATE ETHICS
	:	
IN THE MATTER OF A	:	18-20 TRINITY STREET
	:	
COMPLAINT AGAINST	:	HARTFORD, CT 06106
	:	
LUCILLE DELLAMARGGIO	:	August 21, 2014

**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 Lucille Dellamarggio (“Dellamarggio” or “Respondent”) for violations of the Code of Ethics, General Statutes § 1-84 (c). 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 employee, 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 Office of State Ethics and the Respondent stipulate to the following facts:

1. At all times relevant hereto, the Respondent was employed by the Department of Mental Health and Addiction Services (“DMHAS”) as an Associate Accounts Examiner assigned to the Southwest Community Mental Health System (hereinafter “SWCMHS”) and, as such, was a “state employee,” as that term is defined by General Statutes §1-79 (m).

2. The SWCMHS provides community outpatient services at the F.S. DuBois Center (hereinafter "FSDC"), which is responsible for providing ongoing, individualized treatment to persons living in the community with severe behavioral health disorders who are publicly insured, uninsured and in some cases underinsured.

3. Among the mental health clients treated and cared for by SWCMHS are those who live independently and need minimal support. Many of the mental health clients, however, have consistent difficulty with severe psychiatric illness, numerous hospitalizations and need intensive community support services.

4. As an Associate Accounts Examiner for DMHAS, the Respondent's duties included examining financial records of State agencies and receiving funds to be distributed and monitored by the State of Connecticut to the above mentioned mental health clients, (hereinafter "client funds").

5. More specifically, as an Associate Account Examiner assigned to SWCMHS and through FSDC, the Respondent maintained the custody of client funds and the handling of personal finances for mental health clients who were incapable of managing their own funds, accounts and financial affairs.

6. The Respondent, in her capacity as Associate Accounts Examiner, was responsible for determining how much of the client funds were withdrawn from each mental health client's account, how much of the client funds were delivered to each mental health client and how the accounting records reflected how much of the client funds were withdrawn and delivered to each mental health client.

7. As such, the Respondent had sole control and custody over the mental health client funds that were to be distributed to mental health clients at FSDC.

8. Beginning on or about July 1, 2008 and continuing until on or about March 31, 2012, Respondent used her public office or position to obtain financial gain for herself by misappropriating mental health client funds that she had custody and control over.

9. Dellamarggio did not have authority or permission to use the mental health client funds for her own personal financial gain.

10. Dellamarggio had access to the mental health client funds by virtue of her state position.

11. Pursuant to General Statutes § 1-84 (c),

“No public official or state employee shall . . .  
use his public office or position . . . to obtain  
financial gain for himself . . .”

12. By using mental health client funds without authority or permission to do so, Dellamarggio used her state position to obtain financial gain for herself, in violation of § 1-84 (c).

13. Each misappropriation of mental health client funds by Dellamarggio constitutes a separate and distinct violation of the Code of Ethics.

14. Respondent admits to the foregoing facts and admits that such facts constitute violations of the Code of Ethics, General Statutes § 1-84 (c).

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

1. Respondent states that she believes that her actions in connection with client disbursements was consistent with SWCMHS "policy and procedures for cash and checks."
2. Due in part to her tremendous personal financial issues along with medical issues concerning the Respondent's mother and to avoid what she believes would be costly and lengthy legal proceedings, the Respondent does not wish continue this matter further and agrees to settle this matter.
3. Respondent states that she has voluntarily left state service.

### **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 Office of State Ethics 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 Office of State Ethics 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 she has the right to counsel and has expressly and knowingly waived such right during the OSE's investigation and in connection with the negotiation of this Stipulation and 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 (c).

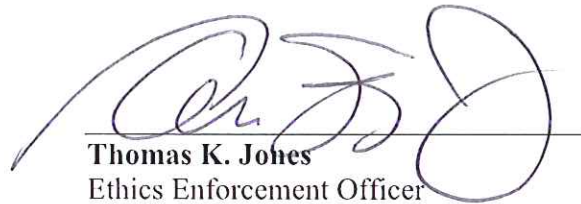
2. Pursuant to General Statutes § 1-88 (a) (3), the Respondent will pay a civil penalty to the State in the amount of four thousand seven hundred and fifty dollars (\$4,750), according to the terms set forth in Exhibit A hereto, for her alleged violations of General Statutes §1-84 (c) as set forth in the Complaint.

**WHEREFORE**, the Ethics Enforcement Officer and the Respondent hereby execute this Stipulation and Consent Order dated August 21, 2014.

Dated: 9-3-14

  
**Lucille Dellamarggio**  
149 Wood Avenue  
Stratford, CT 06614

Dated: 9/18/14

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

SEP 18 2014  
OFFICE OF STATE ETHICS  
By \_\_\_\_\_

**EXHIBIT A – DOCKET NO. 2012-45**

1. The Respondent, Lucille Dellamarggio, shall make a lump sum payment to the Office of State Ethics, in the amount of \$2,500 on or before August 21, 2014.
2. The Respondent, Lucille Dellamarggio, shall make the following payments to the Office of State Ethics according to the following schedule:
  - a. \$375.00 shall be received by the Office of State Ethics no later than September 15, 2014.
  - b. \$375.00 shall be received by the Office of State Ethics no later than October 15, 2014.
  - c. \$375.00 shall be received by the Office of State Ethics no later than November 15, 2014.
  - d. \$375.00 shall be received by the Office of State Ethics no later than December 15, 2014.
  - e. \$375.00 shall be received by the Office of State Ethics no later than January 15, 2015.
  - f. \$375.00 shall be received by the Office of State Ethics no later than February 15, 2015.
3. Failure to provide any payments according to the schedule herein may result in the imposition of a penalty totaling up to \$10,000.
4. Failure to provide payments according to the schedule herein shall constitute a violation of an Order of the Office of State Ethics.
5. 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.
6. 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.