



**OFFICE OF STATE ETHICS**

**DOCKET NUMBER 2012-36** :  
: **18-20 TRINITY STREET**  
**IN THE MATTER OF A** :  
: **HARTFORD, CT 06106**  
**COMPLAINT AGAINST** :  
: **APRIL 14, 2014**  
**DAVID LEVINSON** :

**CONSENT ORDER**

Pursuant to the Code of Ethics, General Statutes §§ 1-79, *et seq.*, Thomas Jones, Ethics Enforcement Officer, filed an Amended Complaint against David Levinson (“Dr. Levinson”), alleging violations of the Code of Ethics, General Statutes §§ 1-84 (c) and 1-86 (a). Based on the investigation by the Enforcement Division of the Office of State Ethics (“OSE”), the OSE finds that there is probable cause to believe that Dr. Levinson violated the Code of Ethics as further set forth herein. The Parties have entered into this Consent Order following the issuance of the Amended Complaint, but without any adjudication of any issue of fact or law herein.

**I. STATE’S POSITION**

Based upon a preliminary investigation of this matter, the Ethics Enforcement Officer was prepared to establish the following at a hearing before the Citizen’s Ethics Advisory Board:

1. From August of 2004 until the present, Dr. Levinson was the president of Norwalk Community College (“NCC”) in Norwalk, Connecticut.
2. At all times relevant hereto, Dr. Levinson was a “state employee,” as that term is

defined by General Statutes §1-79 (m).

3. At all times relevant hereto, Dr. Levinson, as part of his duties as NCC president, attended certain functions, fundraisers and charitable events held for the benefit of entities other than NCC.

4. The payments for attendance at these functions, fundraisers and charitable events were made using state funds that had previously been granted to NCC by the Norwalk Community College Foundation<sup>1</sup> ("Foundation"), for the purpose of supporting various NCC projects.

5. In 2010, Dr. Levinson, in his official state capacity as president of NCC, attended the following events (hereinafter referred to collectively as the "events"):

- The 17<sup>th</sup> Annual Mayor's Community Ball in Norwalk, Connecticut
- American Association of Community Colleges ("AACC") 90<sup>th</sup> Annual Convention in Seattle, Washington
- The Kaleidoscope Ball, held at the Stepping Stones Museum in Norwalk, Connecticut
- Norwalk/Nagarote Sister City Project 24<sup>th</sup> Annual Fundraiser in New Canaan, Connecticut

6. At all times relevant hereto, Dr. Levinson's spouse was not a state employee, as that term is defined by General Statutes §1-79 (m), and held no formal position at NCC.

7. Dr. Levinson's spouse attended each of the events with Dr. Levinson.

8. NCC paid for Dr. Levinson's spouse's attendance at each of the events, using the monies that had previously been granted to NCC by the Foundation. The amounts expended for Dr. Levinson's spouse were as follows:

- a. The 17<sup>th</sup> Annual Mayor's Community Ball in Norwalk,

---

<sup>1</sup> The Foundation is a private foundation established, pursuant to General Statutes §§ 4-37e, *et seq.*, for the purpose of receiving or using private funds for educational or related purposes that support or improve NCC.

Connecticut (cost for Dr. Levinson's spouse to attend: \$85.00);

- b. AACC 90<sup>th</sup> Annual Convention in Seattle, Washington (cost: \$250.00 for spousal registration package);
- c. The Kaleidoscope Ball, held at the Stepping Stones Museum in Norwalk, Connecticut (cost for Dr. Levinson's spouse to attend: \$250.00);
- d. Norwalk/Nagarote Sister City Project 24<sup>th</sup> Annual Fundraiser in New Canaan, Connecticut (cost for Dr. Levinson's spouse to attend: \$50.00).

9. The total cost for Dr. Levinson's spouse to attend the events was \$635.00.

Payment of each of the event attendance fees for Dr. Levinson's spouse was approved by Dr. Levinson acting in his capacity as NCC president.

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

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 [or] his spouse ...

11. Dr. Levinson, by authorizing payment for his spouse's attendance at the events as set forth herein, used his public office or position to obtain financial gain for his spouse, in violation of General Statutes §1-84 (c).

12. Each time Dr. Levinson authorized the attendance fees for his spouse to attend the events constitutes a separate and distinct violation of General Statutes § 1-84 (c).

13. Pursuant to General Statutes § 1-86 (a):

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, in the case of either a substantial or potential conflict of interest, 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.

14. Dr. Levinson was, in the discharge of his official duties, required to take actions that would affect the financial interest of his spouse, *viz*, the authorization to use state funds to pay for his wife's attendance and/or registration fees at the events.

15. Each time Dr. Levinson was required to take action affecting the financial interest of his spouse, Dr. Levinson had a potential conflict of interest. As such, he was required, pursuant to General Statutes § 1-86 (a), to 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 his immediate superior.

16. Dr. Levinson, when required to take action affecting the financial interest of his spouse, did not prepare a written statement describing the matter requiring action and the nature of the conflict.

17. In addition, Dr. Levinson, when required to take action affecting the financial interest of his spouse, did not contact the Office of State Ethics to solicit advice.

18. By failing to prepare a written statement to his superior and/or failing to take steps prescribed or advised by the Office of State Ethics as set forth herein, Dr. Levinson violated General Statutes § 1-86 (a).

19. Each time Dr. Levinson was required to take action affecting the financial interest of his spouse, but failed to prepare a written statement to his superior as set forth herein, constitutes a separate and distinct violation of General Statutes § 1-86 (a).

## II. RESPONDENT'S POSITION

1. Dr. Levinson denies that his actions violated the Code of Ethics but, in order to avoid what he believes would be lengthy and costly legal proceedings, agrees to resolve this matter.

2. Dr. Levinson states that he did not willfully or knowingly use his public position to obtain financial gain for himself in violation of General Statutes § 1-84 (c).

3. Since the time he became president of NCC, Dr. Levinson states that he has been invited to and attended numerous community and/or charitable fundraising events.

4. At the time of the events in question, General Statutes § 10a-72 (b) (8) provided that the Board of Trustees of Community-Technical Colleges (now, the Board of Regents for Higher Education) shall “promote fundraising by the institutions under its jurisdiction [including NCC] in order to assist such institutions...”

5. At all times relevant hereto, as a part of his duties as NCC president, Dr. Levinson understood that he was expected to attend certain fundraisers and charitable events for which the attendance and/or registration fees were paid using funds provided by the Foundation.

6. Dr. Levinson states that, prior to 2009, monies derived from private donors were held and administered by the Foundation.

7. Dr. Levinson states that, prior to 2009, with the permission and consent of the Foundation, Dr. Levinson's spouse accompanied him on occasion to certain community events, such as the City of Norwalk Mayor's Ball. During these occasions, Dr. Levinson states that the Foundation paid for Dr. and Mrs. Levinson's attendance by paying Foundation monies directly to the sponsor of the event.

8. Dr. Levinson states that, sometime in 2009, pursuant to the directive of the then Chief Financial Officer (of the Community College System Office), Foundation funds were turned over in

grant form to NCC so that NCC would administer such funds directly.

9. From the time that Dr. Levinson became president, and for a time period spanning through 2008, Dr. Levinson states that his attendance at functions, as well as his spouse's attendance, was paid for directly by the Foundation.

10. In or around 2008 or 2009, Dr. Levinson states that the funds for Dr. Levinson's spouse's attendance at functions (as well as any Foundation supported functions) were provided directly from a separate account in the name of the Foundation. Thereafter, Dr. Levinson states that a change in the administration of the Foundation funds occurred in a manner that required the Foundation to turn the Foundation grant monies over to NCC so that NCC would then be administering such funds. Nevertheless, Dr. Levinson states that the source of the funds administered by NCC was private donor monies from the Foundation.

11. As a result of an audit conducted by the Auditors of Public Accounts, the auditors issued an Audit Report of the Board of Trustees of Community-Technical Colleges for the years of 2010 and 2011 in which they identified four (4) instances where Dr. Levinson was accompanied by his wife to events.

12. Dr. Levinson states that at or around the time that he became President of NCC, he understood through conversations with the then President of the Foundation that anytime he wanted to have his spouse accompany him at any event where he believed it would advance the mission of NCC and the community, he could utilize Foundation funds to do so.

13. Dr. Levinson believes that the Foundation was fully aware that Foundation monies, from time to time, were expended to pay for his spouse's attendance at such events. Dr. Levinson states that each of the events set forth in paragraph 5 of the State's Position above provided an opportunity for Dr. Levinson to fundraise for NCC.

14. Dr. Levinson maintains that he has not behaved unethically as such monies to pay for his spouse's attendance derived from grant monies that he believed were authorized by the Foundation for such use.

15. At no time has Dr. Levinson ever denied or concealed the fact that his spouse accompanied him to the events set forth in the Amended Complaint or the manner in which the events were paid for.

16. Without an admission of wrongdoing or waiving any of his legal rights, Dr. Levinson repaid the sum of \$635.00, plus Connecticut state interest, totaling \$748.55. Dr. Levinson states that this sum was repaid to the State of Connecticut because the Foundation advised Dr. Levinson that it would not accept such monies.

17. Dr. Levinson states that the Foundation has steadfastly expressed its support of him as set forth in the letter attached hereto as Exhibit 1.

18. Since Dr. Levinson's receipt of correspondence from the OSE on or about October 25, 2012, Dr. Levinson states that funds granted to NCC by the Foundation have not been utilized for the purpose of having Dr. Levinson's wife attend functions, fundraisers and charitable events held for the benefit of entities other than NCC.

### **III. JURISDICTION**

1. The Ethics Enforcement Officer is authorized to investigate Dr. Levinson's acts as set forth herein, and to enter into this Consent Order.

2. The provisions of this Consent Order apply to and are binding upon Dr. Levinson.

3. Dr. Levinson hereby waives all objections and defenses to the jurisdiction of the Ethics Enforcement Officer over matters addressed in this Consent Order.

4. Dr. Levinson 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. Dr. Levinson 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 Consent Order. Dr. Levinson recognizes that the Connecticut Superior Court has the authority to specifically enforce the provisions of this 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 Dr. Levinson.

7. Dr. Levinson understands that he has a right to counsel and has been represented by counsel throughout the OSE's investigation and in connection with this Consent Order.

#### **IV. ORDER**

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

1. Pursuant to General Statutes § 1-88 (a) (1), the Office of State Ethics orders, and Dr. Levinson agrees, to cease and desist from any future violation of § 1-84 (c).

2. Pursuant to General Statutes § 1-88 (a) (1), the Office of State Ethics orders, and Dr. Levinson agrees, to cease and desist from any future violation of § 1-86 (a).

3. Pursuant to General Statutes § 1-88 (a) (3), Dr. Levinson will pay civil penalties to the State in the amount of one thousand dollars (\$ 1,000.00) for his violation of General Statutes § 1-84 (c) as set forth in the Amended Complaint and herein.

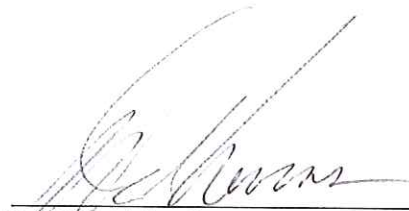
4. Pursuant to General Statutes § 1-88 (a) (3), Dr. Levinson will pay civil penalties to



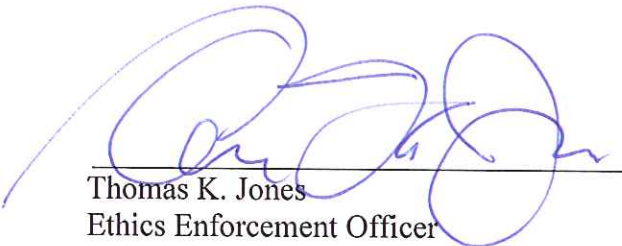
the State in the amount of two thousand dollars (\$ 2,000.00) for his violation of General Statutes § 1-86 (a) as set forth in the Amended Complaint and herein.

WHEREFORE, the Ethics Enforcement Officer and Dr. Levinson hereby execute this Stipulation and Consent Order dated April 14, 2014.

Dated: April 16, 2014

  
\_\_\_\_\_  
Dr. David Levinson

Dated: April 17, 2014

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

# **EXHIBIT 1**



# NORWALK COMMUNITY COLLEGE FOUNDATION, INC.

EXHIBIT 1

188 Richards Ave. Room E311 Norwalk CT 06854-1655 Phone: 203-857-7260 Fax: 203-857-7287 ncc-foundation.org

## BOARD OF DIRECTORS

Eleanor S. Riemer, Ph.D.  
PRESIDENT  
*Rouayton*

Ellen H. Petrino  
VICE PRESIDENT  
*Mercer Investments*

Edwin A. Bescherer  
TREASURER  
*Dun & Bradstreet (ret.)*

Valerie A. Cooper  
SECRETARY  
*Picture That, LLC*

Joan Barksdale  
*Darien*

Amy Murphy Carroll  
*GE Asset Management*

Erin M. Catapano  
*Praxair, Inc.*

Joseph W. Donaldson  
*McClain Value Management, LLC*

Michael D. Hobbs  
*Nere Canaan*

Julie M. Johnson  
*Executive Leadership Coach*

Deborah C. McLean  
*Adjunct Professor, Columbia (SIPA)*

Lenore C. Mintz  
*Lea Mintz & Associates*

Martha Poulter  
*GE Capital*

George A. Reilly  
*Siegel, Reilly & Conlon, LLC*

Bruce N. Ritter  
*Yanmix Management LP*

Lesley I.B. Schless  
*Shipman & Goodwin LLP*

Stuart C. Weismiller  
*Rouayton*

Kyle L. Wilcox  
*Darien*

Bruce G. Wilson, Jr.  
*NBC News*

## Ex-Officio

David L. Levinson, Ph.D.  
PRESIDENT  
*Norwalk Community College*

Ann P. Rogers  
EXECUTIVE DIRECTOR  
*Norwalk Community College  
Foundation, Inc.*

April 4, 2014

Dear Dr. Levinson,

In light of the recent consent order negotiated between you and the Connecticut Office of State Ethics, the Norwalk Community College Foundation felt it appropriate to share with you the words of support with which we intend to respond to any inquiries.

As President of Norwalk Community College, you have been instrumental to the efforts of the Norwalk Community College Foundation. Specifically, your tireless fundraising and networking efforts have resulted in substantial and significant returns to the Foundation. To that end, your wife has, on occasion, accompanied you to community dinners. Her participation at those events has unquestionably bolstered the Foundation's efforts and raised the profile of both the College and the Foundation. To the extent your wife's participation at any event resulted in a violation of the state Ethics Code, we are confident any such violation was inadvertent and unintentional.

The Foundation looks forward to continuing to support both you and the important work to which you dedicate yourself on behalf of the College and the Foundation.

Sincerely,

Eleanor S. Riemer  
President  
Norwalk Community College Foundation