



# STATE OF CONNECTICUT

## OFFICE OF STATE ETHICS

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**DOCKET NUMBER 2011-69** : **OFFICE OF STATE ETHICS**  
**IN THE MATTER OF A** : **18-20 TRINITY STREET**  
**COMPLAINT AGAINST** : **HARTFORD, CT 06106**  
**JOHN TRICARICO** : **SEPTEMBER 27, 2012**

### **CITIZEN'S ETHICS ADVISORY BOARD FINDINGS, MEMORANDUM AND ORDER**

A public board hearing (“hearing”), presided over by Judge Trial Referee (“JTR”) James G. Kenefick, Jr., was held on September 20, 2012, in the above-captioned complaint. The respondent, John Tricarico, failed to appear at the hearing even though he received and acknowledged notice of the hearing in this matter. Following the hearing, the Citizen’s Ethics Advisory Board issues the following decision setting forth its finding and reasons therefor:

1. It is found that at all times relevant to the February 23, 2012 complaint in this matter, (“complaint”) the respondent was an employee at the Central Connecticut Regional Planning Agency (“CCRPA”).
2. More specifically, it is found that the respondent was an employee at CCRPA between 2009 and 2011.
3. It is found that CCRPA is an independent contractor hired by the state of Connecticut Department of Transportation (“DOT”) to provide and operate transportation services for disabled individuals in the state of Connecticut (“paratransit services contract”).
4. It is found that CCRPA had been a DOT independent contractor prior to 2009 and at least through the end of 2011.

5. It is found that on or about 2009, CCRPA subcontracted the operational component of its paratransit services contract to DATTCO (“the paratransit subcontract”), and DATTCO became a state subcontractor under the direction of CCRPA.
6. Connecticut General Statutes § 1-86e (a) (1) provides, in relevant part, that, no person hired by the state as a consultant or independent contractor shall “use the authority provided to the person under the contract ... to obtain financial gain for the person, an employee of the person or a member of the immediate family of any such person or employee.”
7. In Advisory Opinion No. 1999-17 (“AO No. 99-17”), the former State Ethics Commission (“Commission”) concluded that *an employee* of an independent contractor is subject to the prohibition set forth in § 1-86e (a) (1), as described in finding 6, above. In AO 99-17, the Commission further concluded that while an employee of a private agency under contract with a state agency may accept benefits totaling up to one hundred dollars (\$100) annually from a client or client’s relative, any larger benefit violates § 1-86e (a) (1).
8. In addition, the Commission concluded in Advisory Opinion No. 1999-26 that under § 1-86e (a) (1) an independent contractor may not use the authority provided under the state contract to obtain financial gain for, among others, a member of the immediate family *of an employee* of the independent contractor.
9. Consequently, it is concluded that the respondent, while an employee of CCRPA, was subject to the § 1-86e (a) (1) prohibition against using the authority provided under a state contract to obtain financial gain for himself and/or his immediate family members.
10. It is found that from on or about May 2008 through on or about July 2010, the respondent was a Transportation Assistant at CCRPA, and that during that time period he assisted with the oversight of the paratransit services contract.
11. It is also found that from on or about July 2010 through on or about October 2011, the respondent was a Transit Program Manager at CCRPA, and that during that time period he was responsible for the administration of the paratransit services contract.
12. It is found that during his employment at CCRPA, the respondent served as the primary contact to the DOT in the administration of the paratransit services contracts.

13. It is also found that the respondent's authority over the CCRPA's paratransit services subcontract with DATTCO derived exclusively from CCRPA's paratransit services contract with the state of Connecticut.
14. It is found that beginning no later than July 2009, and continuing until on or about October 2011, the respondent solicited free and/or discounted gifts, services and other items of value from DATTCO, including, (i) tickets to professional baseball and football games, (ii) tickets to a rock concert, (iii) meals, (iv) use of a box truck and a driver for the respondent's personal use to move from one residence to another, (v) discounted bus transportation for a trip to and from Mohegan Sun casino, (vi) use of DATTCO buses as a personal transportation service, and (vii) job interviews at DATTCO for the respondent's relatives.
15. It is found that during the period July 2009 and October 2011, the respondent also issued himself authorization to ride DATTCO's paratransit vehicles without CCRPA authority and without following established CCRPA procedures, and that he rode such vehicles for his own personal use.
16. It is further found that in 2009, 2010 and 2011, the respondent received, in each of those years, one hundred dollars (\$100) or more in financial gain from DATTCO.
17. It is concluded that by engaging in the conduct described above, the respondent improperly used the authority granted him under a state contract to obtain financial gain for himself and/or a member of his immediate family, within the meaning of § 1-86e (a) (1), thereby committing three separate violations of such provision.
18. Regarding the imposition of penalties, § 1-88 provides, in relevant part:
  - (a) The board ... shall have the authority to order the violator to ... 3) pay a civil penalty of not more than ten thousand dollars for each violation of this part ....
19. In considering a civil penalty in this matter, the board finds that the respondent's conduct, and the violations in this case, to be egregious and blatant. Indeed, the evidence presented to the board included even admissions by respondent that he knew he was acting improperly and that he anticipated being terminated if his conduct was ever detected. In light of the repeated, intentional nature of respondent's conduct, the board determines that a civil penalty of ten thousand dollars (\$10,000) is warranted.

## CONCLUSION

On September 20, 2012 Citizen's Ethics Advisory Board members David Gay, Chairman, Charles F. Chiusano, Vice Chairman, Dennis J. Riley, Thomas H. Dooley, Roger L. Kemp, Herbert A. Grant, Mary Bigelow, Daniel M. Young and Susan Gruen having been physically present for the entire duration of the hearing in this matter, and having all deliberated and considered the record in this case as instructed by JTR James G. Kenefick, Jr., conclude as follows:

1. Respondent John Tricarico violated Connecticut General Statutes § 1-86e (a) (1) as alleged in the complaint.

The decision to find the violation described herein was unanimous on a concurrent vote of all nine of the above-described board members present and voting.

## ORDER

WHEREFORE, pursuant to its authority set forth at Connecticut General Statutes § 1-88, the Citizen's Ethics Advisory Board issues the following Order:

1. Forthwith, the respondent John Tricarico shall pay a civil penalty of ten thousand dollars (\$10,000.00) with respect to the violations found and described more fully in paragraphs 17 and 19 of the findings, above, in this matter.

By Order of the Citizen's Ethics Advisory Board

A handwritten signature in black ink, appearing to read "David Gay", is written over a horizontal line.

David Gay  
Chairman

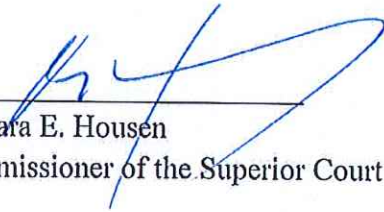
September 27, 2012

I hereby certify that a copy of the foregoing Finding and Order was sent on September 28, 2012, via certified mail, postage prepaid to respondent, as set forth below:

Mr. John Tricarico  
216 Devon Street  
Port Orange, FL 32127

I further certify that a copy of the foregoing Finding and Order was hand-delivered on September 28, 2012, to counsel of record as set forth below:

Attorney Mark Wasielewski  
Assistant Enforcement Officer  
State of Connecticut, Office of State Ethics  
18-20 Trinity Street, 2<sup>nd</sup> Floor  
Hartford, CT 06106



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Barbara E. Housen  
Commissioner of the Superior Court