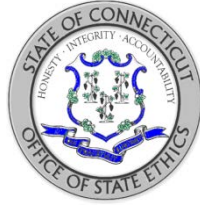


Citizen's Guide to Filing an Ethics Complaint

Contact Us



Agency Address: Connecticut Office of State Ethics
18-20 Trinity Street
Suite 205
Hartford, CT 06106

Telephone: 860-263-2400

Facsimile: 860-263-2402

Website: portal.ct.gov/ethics

Business Hours: 8:00 am to 5:00 pm

Visitors must enter the building through the door next to the Bushnell Memorial Theater.

Specific E-mail Contacts: For the timeliest responses, please be sure to direct your questions to the appropriate e-mail address; for example, with a question such as, "Can I accept this outside position with a vendor?" please be sure to send your query to ethics.code@ct.gov

- | | |
|--|--|
| ➤ Legal Advice Regarding Code of Ethics | ethics.code@ct.gov |
| ➤ Lobbyist Filing/Reporting Questions | lobbyist.ose@ct.gov |
| ➤ Public Official Filing/Reporting Questions | sfi.ose@ct.gov |
| ➤ Enforcement/Filing a Complaint | ethics.enforcement@ct.gov |
| ➤ All Other Inquiries | ose@ct.gov |

[Staff Phone Number Listing](#)

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OFFICE OF STATE ETHICS

Created on July 1, 2005, under Public Act [05-183](#), the Office of State Ethics ("OSE") is an independent regulatory agency charged with administering and enforcing the Connecticut Codes of Ethics ("Ethics Codes"), which are found in Chapter 10 of the Connecticut General Statutes.

The OSE's duties include educating all those covered by the Ethics Codes; interpreting and applying the Ethics Codes; investigating violations of, and otherwise enforcing, the Ethics Codes; and providing information to the public.

The OSE's jurisdiction:

- | | |
|-----------------|---|
| Part I | Code of Ethics for Public Officials
General Statutes §§ 1-79 to 1-90a |
| Part II | Code of Ethics for Lobbyists
General Statutes §§ 1-91 to 1-101a |
| Part III | Lobbying: Miscellaneous Provisions
General Statutes §§ 1-101aa and 1-101bb |
| Part IV | Ethical Considerations Concerning Bidding and State Contracts
General Statutes §§ 1-101mm to 1-101rr |

The OSE Executive Director has overall responsibility for the welfare and effectiveness of the OSE, which has three divisions, the legal division, the enforcement division, and the administrative division.

The OSE's governing body is the Citizen's Ethics Advisory Board ("CEAB"), which has nine members appointed by the Governor and legislative leadership. The CEAB holds monthly meetings that are open to the public. A schedule of CEAB meeting dates, times, and locations is available at portal.ct.gov/Ethics.

CEAB Members:

- Attend monthly CEAB meetings
- Appoint and evaluate the Executive Director of the OSE
- Issue advisory opinions to persons subject to the Ethics Codes
- Serve as a Hearing Officer for non-confidential hearings held under the Uniform Administrative Procedures Act, General Statutes § [4-166](#) *et. seq.*
- Attend hearings to determine if violations occurred and, if so, assess penalties
- Attend special meetings if necessary
- Oversee legislative agenda

FILING A COMPLAINT

What Constitutes a Formal Complaint?

Enforcement of the Codes is initiated by a complaint, filed by the Ethics Enforcement Officer or by any member of the public.¹ Where the Ethics Enforcement Officer files a complaint, it is typically preceded by a confidential staff evaluation conducted by the Enforcement Division of the Office of State Ethics.

A complaint from a member of the public must comply with certain requirements.

It **must**:

- Be filed on the proper Office of State Ethics complaint form, as prescribed by the Citizen's Ethics Advisory Board;
- Contain an original signature (signed under penalty of false statement);
- Be delivered or mailed to the Office of State Ethics at 18-20 Trinity Street, Hartford, CT 06106;
- Clearly set forth facts that, if true, would constitute a violation of the Ethics Codes; and,
- Identify a respondent (the person who is the subject of the complaint) with enough particularity that the complaint may be served on him or her.

In filling out the complaint form, it is best to complete the requested information with as much detail as possible, so that the Enforcement Division of the Office of State Ethics may properly investigate. In other words, your complaint form **should**:

- If possible, cite to the specific statute or provision that is believed to have been violated;
- Clearly identify any known witness to the alleged violation or other persons with knowledge of the alleged violation;
- Include any documentation supporting the allegations, if available (listed and attached as "Exhibit 1," "Exhibit 2," and so on); and
- Identify the source of any statements made in the complaint that are not based on personal knowledge, when possible.

Note: *The Enforcement Division receives many "tips" for review, but only a formal complaint initiates a formal action. A formal complaint is **not** an e-mail, a telephone call, a written statement on paper that is not the proper form, a form that is sent via fax or e-mail, an anonymous statement, or a form without the full name, address and phone number of the complainant (the person filing the complaint).*

¹ In addition to the complaint process described herein, the Office of State Ethics may enforce ethics filing requirements for lobbyists and public officials through an administrative hearing process. For these hearings, no complaint is filed and the action can only be initiated by the Office of State Ethics. For more information about the forms that must be filed by lobbyists and public officials, and the penalties for non-filing, the Office of State Ethics also publishes a number of guides relating to lobbyists and public officials.

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Office of State Ethics Jurisdiction

All **state officials and employees** (except judges) are covered by Part I of the Code of Ethics for Public Officials. General Statutes [§§ 1-79 – 1-90a](#). Certain provisions of the Code also apply to public officials and state employees after they leave state service. These laws were enacted to prevent individuals from using their public position or authority for personal financial benefit.

Lobbyists are covered by Part II of the Code of Ethics. General Statutes [§§ 1-91 – 1-101a](#). Lobbying is generally defined as communicating directly, or soliciting others to communicate, with any official or his/her staff in the legislative or executive branch of government or in a quasi-public agency for the purpose of influencing any legislative or administrative action.

Current or potential **state contractors** are covered by Part IV of the Code of Ethics. General Statutes [§ 1-101nn](#) specifically covers willful violation or attempts to circumvent state competitive bidding procedures and ethics laws. **Consultants and independent contractors** are covered by General Statutes [§ 1-86e](#).

Relevant statutes and regulations are available in hard copy by contacting the Office of State Ethics and are also available on our website at portal.ct.gov/ethics.

Note: *The Office of State Ethics does not have jurisdiction over local or municipal issues, or over individuals who are not state employees, public officials, registered lobbyists, or otherwise regulated by the Codes of Ethics.*

Proper Complaint Form

A complaint must be received on the proper [complaint form](#).

The form can be obtained:

- In person at the Office of State Ethics at 18-20 Trinity Street in Hartford, CT;
- by contacting us at 860-263-2400;
- from our website, portal.ct.gov/ethics; or
- at the end of this publication.

COMPLAINT: PROCESS AND STAGES

Complaint Procedures

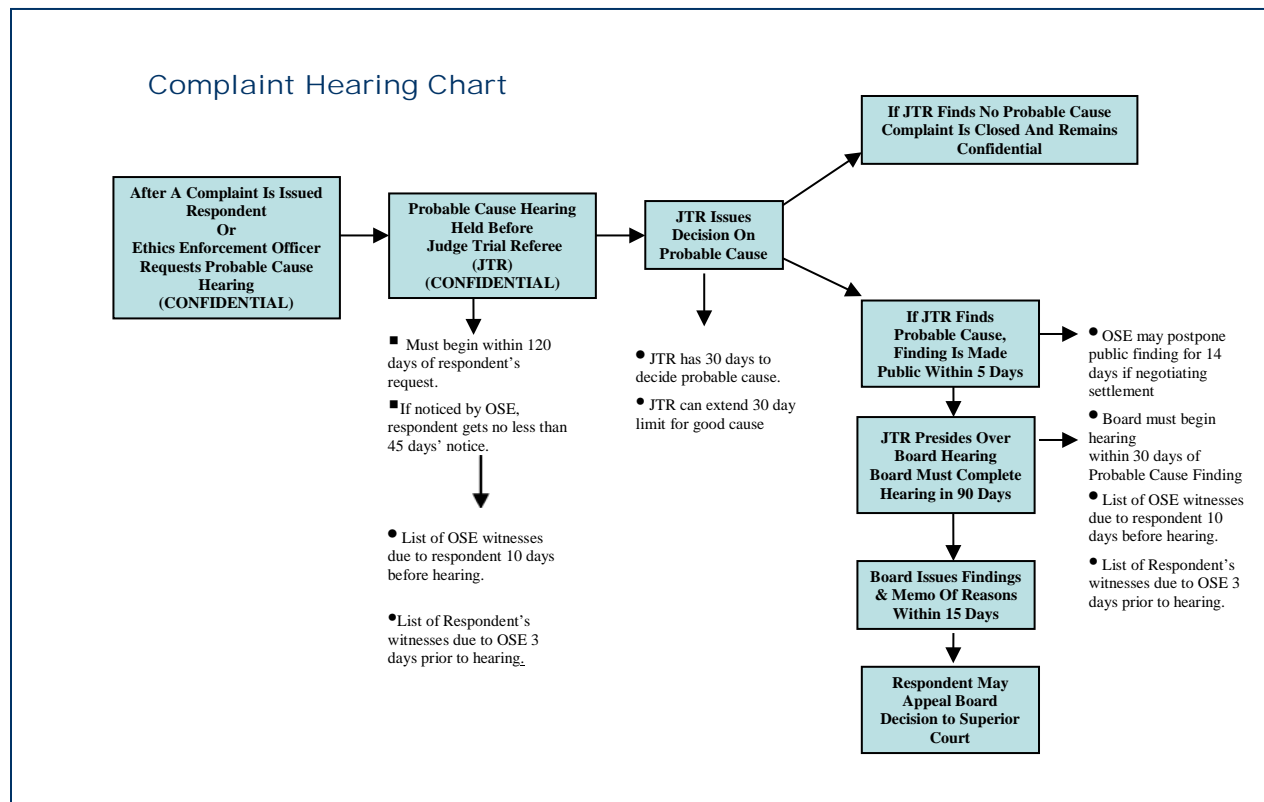
The filing of a complaint triggers the following three-step process:

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1. Enforcement Division conducts a preliminary investigation, which may include informal interviews, documentary review, subpoenas for documents and testimony under oath, and legal analysis;
2. Upon completion of the preliminary investigation, if the Enforcement Division believes that a violation has occurred as alleged in the complaint, a probable cause hearing may be held before a judge trial referee. Both the Enforcement Division and the respondent have the right to ask for a probable cause hearing at any point during the preliminary investigation;
3. Following a probable cause hearing, if the judge trial referee finds there is probable cause to believe a violation has occurred, the case is presented for administrative trial, at which a different judge trial referee presides, with the Citizen's Ethics Advisory Board serving as the jury. (If the Board decides after a hearing that a violation has occurred, the respondent may appeal the decision to the Superior Court.)

During all parts of the process, the respondent has the right to counsel and, in the course of any hearing, has the right to attend and challenge the evidence presented against him or her. At any stage of this process, the Enforcement Division and the respondent may attempt to negotiate the terms of an agreed order to *settle* the matter.

Complaint Timeframes



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PENALTIES AND OTHER ACTIONS

After a finding or admission of a violation, the Citizen's Ethics Advisory Board can order the respondent to:

1. **Comply** with the Code in the future;
2. **File** any required report or statement; and/or
3. **Pay** a civil penalty of up to \$10,000 per violation.

The Citizen's Ethics Advisory Board may also revoke a lobbyist's registration for up to two years upon a finding that the lobbyist has violated the Code of Ethics for Lobbyists. In addition, a contractor who is found in violation of Part IV of the Code of Ethics may be banned from doing business with the state.

The Office of State Ethics may refer matters to the Chief State's Attorney for criminal prosecution. An intentional violation of the Code is a misdemeanor for the first violation, unless the individual has derived a financial benefit of at least \$1,000. In that case, the violation is a class D felony.

The Attorney General may sue to recover any financial gain received by the respondent through knowingly committing or knowingly profiting from certain violations of the Code.

If a false complaint (without foundation in fact) is knowingly made, the respondent may have a cause of action against the complainant for double the amount of damage caused by the complaint. The respondent may also be awarded court costs and attorneys' fees. General Statutes §§ 1-82 (c) and 1-93 (c).

Statute of Limitations

A complaint cannot be prosecuted if it is filed **five years** or more after the violation alleged in the complaint has been committed.

CONFIDENTIALITY

Overview

Any complaint filed by or with the Office of State Ethics is **confidential** except:

- After a judge trial referee makes a finding of probable cause (a determination by a judge trial referee that there is probable cause to believe that a public official, state employee, or lobbyist has violated a provision of the Codes);
- Upon request of the respondent; or
- Upon an agreed resolution of the matter by consent order.

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Likewise, any investigation conducted prior to finding of probable cause remains confidential except upon the request of the respondent. This means that the allegations in the complaint and any information supplied to or received from the Office of State Ethics during the investigation may not be disclosed to any third party.

Note: *While the investigation is still confidential, no one – the complainant, respondent, witnesses, designated party, Citizen's Ethics Advisory Board member, Office of State Ethics staff member – may disclose that a complaint has been filed, or any information related to the investigation of the complaint. Violation of the confidentiality statutes may be prosecuted as a violation of the Codes of Ethics.*

(See [Advisory Opinion 2007-9](#), which details these confidentiality requirements while keeping a complainant's right to disclose the facts that formed the basis of the complaint.)

Publication of Findings

If, during the preliminary investigation of a complaint, the Enforcement Division finds no probable cause to believe there has been a violation of the Codes, the investigation will be terminated and the complaint dismissed. Within three days after an investigation has been terminated, the Enforcement Division will inform both complainant and respondent of its finding and provide each the summary of its reasons for making that finding. Upon the respondent's request only, the Office of State Ethics may publish the findings and the accompanying summary.

No Probable Cause

If the Enforcement Division, following an investigation, believes that a violation of the ethics laws has occurred, the Division will bring the matter before a judge trial referee to conduct a confidential probable cause hearing. Following a probable cause hearing, if a judge trial referee make a finding that there is no probable cause to believe that a violation has occurred, the initial complaint and all related Office of State Ethics records will remain confidential, except upon the request of the respondent. No party involved may disclose any details of the investigation, including knowledge of the existence of the complaint itself.

Probable Cause

Following a probable cause hearing, a judge trial referee has thirty days to render a finding. If a judge trial referee makes a finding that there is probable cause to believe that a violation has occurred, that finding **must** be made public within five days. This means that the entire record of the investigation will become public, unless the Office of State Ethics postpones release of records for up to two weeks for the purpose of attempting to reach a consent order or settlement.

Note: *While all parties must maintain confidentiality, the Enforcement Division of the Office of State Ethics is permitted by law to report, at any time, the possible commission of a crime to the Chief State's Attorney or another prosecutorial authority.*

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CONFIDENTIAL

**Office of State Ethics
18-20 Trinity Street, Suite 205
Hartford, Connecticut 06106-1660**

COMPLAINT

I wish to register a complaint alleging a violation of:

- The Code of Ethics for Public Officials and State Employees, Chapter 10, Part I, General Statutes
(if possible, please note the specific code section here: _____)

- The Code of Ethics for Lobbyists, Chapter 10, Part II, General Statutes
(if possible, please note the specific code section here: _____)

- The Code of Ethics for State Contractors, Chapter 10, Part IV, General Statutes
(if possible, please note the specific code section here: _____)

Name(s) and address(es) of respondent(s) (i.e., person(s) or organization(s) in alleged violation of the Code of Ethics):

Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____

The respondent(s) allegedly violated the Code of Ethics as follows (please be as specific as possible with regard to time, place, actions, and other persons involved):

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Complainant's contact information:

Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____

E-mail: _____

Phone: _____

I hereby certify under penalty of false statement that the foregoing statement describing a possible violation of the designated Code of Ethics is true and accurate to the best of my knowledge and belief.

Signature: _____

Date: _____

NOTE:

- 1) This complaint will not be considered filed without the name, address, and original signature of the Complainant. Mail or hand-deliver this complaint to:

**Office of State Ethics
18-20 Trinity Street, Suite 205
Hartford, CT 06106**

Complaints will **not** be accepted electronically or by fax.

- 2) Once filed, this complaint may not be withdrawn by the Complainant except with permission of the Citizen's Ethics Advisory Board.
- 3) In addition to the criminal penalties that may be imposed upon a Complainant who, under penalty of false statement, knowingly files a false complaint, the Code of Ethics provides that if any complaint is made with the knowledge that it is without foundation in fact, the person against whom the complaint is made (the Respondent) has a cause of action against the Complainant for double the amount of damages caused. If the Respondent prevails in the action, the cost of the action together with reasonable attorney fees may also be awarded to the Respondent by the court.
- 4) The Office of State Ethics' preliminary investigation of a complaint is confidential unless the Respondent requests that it be open. Unless the Office of State Ethics advises you otherwise, the allegations in the complaint and any information supplied to or received from the Office of State Ethics may not be disclosed to any third party by the Complainant, Respondent, witness, designated party, Office of State Ethics staff member(s), or the Citizen's Ethics Advisory Board.