

OFFICE OF STATE ETHICS

DOCKET NUMBER 2016-37 :
: **18-20 TRINITY STREET**
IN THE MATTER OF A :
: **HARTFORD, CT 06106**
COMPLAINT AGAINST :
: **AUGUST 17, 2017**
JAMES MINDEK :

STIPULATION AND CONSENT ORDER

Pursuant to the Code of Ethics, General Statutes §§ 1-79, *et seq.*, Thomas Jones, Ethics Enforcement Officer, filed an Amended Complaint against James Mindek (“Mr. Mindek” or “Respondent”), alleging violations of the Code of Ethics for Public Officials. 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 Mr. Mindek 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. STIPULATION

The Ethics Enforcement Officer and the Respondent stipulate to the following facts:

1. At all times relevant hereto, the Respondent was employed as the Information Technology Bureau Chief at the Connecticut State Department of Education (“SDE”).
2. At all times relevant hereto, the Respondent was a “State Employee” as that term is defined in General Statutes § 1-79 (13).
3. Beginning no later than March 2015 and continuing to on or around October 2016, as part of his duties as the Information Technology Bureau Chief, the Respondent was responsible for supervising the hiring of SDE Information Technology contractors through Information Technology vendors.
4. Beginning on or about March of 2015, SDE sought to hire a help desk technician at the state Office of Early Childhood (hereinafter “Help Desk Technician”).
5. As a part of the process to fill the open Help Desk Technician position, SDE utilized several outside vendors (hereinafter the “outside vendors”) to vet and provide pre-qualified candidates to SDE.
6. Beginning on or about March of 2015 and continuing until on or about December of 2015, the Respondent took multiple actions that resulted in the selection of his son for the open Help Desk Technician position, including, but not limited to:
 - a. Retaining and exercising approval authority over the selection of the Help Desk Technician position, for which his son was a candidate;
 - b. Communicating with SDE staff about his son’s candidacy, and to arrange his son’s interview date and time;
 - c. Communicating with the outside vendor about his son’s resume and his son’s employment; and

d. Facilitating procurement of additional agency funding for his son's position.

7. Following the actions taken by the Respondent, the Respondent's son was hired by SDE as the Help Desk Technician and reported to the Respondent's direct subordinates.

8. Pursuant to General Statutes §1-84 (c):

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, his... child...

9. The Respondent, by taking actions that resulted in the selection of his son as the Help Desk Technician in the Office of Early Childhood, and/or thereafter maintaining supervision over his son's employment, the Respondent used his public office or position to obtain financial gain for his son, in violation of General Statutes §1-84 (c).

10. Each time Respondent acted on behalf of his son to secure the Help Desk Technician position, and/or exercised supervision over his son, constitutes a separate and distinct violation of General Statutes §1-84 (c).

11. 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... child. . . 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.

12. Beginning no later than March 2015 and continuing through on or about December of 2015, the Respondent was, in the discharge of his official duties, required to take various actions that would affect the financial interest of his son.

13. Each time the Respondent was required to take action affecting the financial interest of his son, the Respondent was required to 1) prepare a written statement, signed under penalty of false statement, describing the matter requiring action and the nature of the conflict, and 2) deliver a copy of the statement to his immediate supervisor.

14. Beginning no later than March 2015 and continuing through on or about December of 2015, the Respondent, when required to take action affecting the financial interest of his son, did not prepare a written statement and deliver it to his immediate supervisor.

15. Beginning no later than March 2015 and continuing through on or about December of 2015, the Respondent, when required to take action affecting the financial interest of his son, did not contact the Office of State Ethics to solicit advice.

16. By failing to prepare a written statement to his immediate supervisor as set forth herein, the Respondent violated Section 1-86 (a) of the General Statutes.

17. The Respondent admits to the foregoing facts and admits that such facts constitute violations of the Code of Ethics for Public Officials as set forth herein.

II. RESPONDENT'S POSITION

1. The Respondent states that he believed he had received permission from his supervisor to present his son as a candidate for the Help Desk Technician position.

2. The Respondent states that his son was qualified for the Help Desk Technician position when he was hired, and performed all the duties of the position adequately and fully while

employed.

3. The Respondent states that he did not believe that his conduct raised any issues under the Code of Ethics, but understands now that it does cause such issues.

4. The Respondent states that he has already been disciplined in a substantial manner by his agency.

5. The Respondent states that this matter is the only matter where he has been disciplined in his more than thirty one years of state service, and that he recalls only receiving above average or exceeds expectations on annual service ratings.

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 been represented by counsel 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 Mr. Mindek agrees, that:

1. Pursuant to General Statutes § 1-88 (a) (1), Mr. Mindek will cease and desist from any future violation of § 1-84 (c).

2. Pursuant to General Statutes § 1-88 (a) (1), Mr. Mindek will cease and desist from any future violation of § 1-86 (a).

3. Pursuant to General Statutes § 1-88 (a) (3), Mr. Mindek will pay civil penalties to the State in the amount of one thousand five hundred dollars (\$1,500.00) 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), Mr. Mindek will pay civil penalties to the State in the amount of one thousand five hundred dollars (\$1,500.00) for his violation of General Statutes § 1-86 (a) as set forth in the Amended Complaint and herein.

CONFIDENTIAL PURSUANT TO GENERAL STATUTES SECTION 1-82a. CONFIDENTIAL PURSUANT TO CONNECTICUT STATUTES §1-82a. THIS DOCUMENT IS DRAFTED FOR THE PURPOSE OF ATTEMPTING TO SETTLE A LEGAL CLAIM AND IS THUS INADMISSIBLE UNDER CT CODE OF EVIDENCE § 4-8, FRE RULE 408, AND ANY OTHER PERTINENT STATE OR FEDERAL RULE

5. Mr. Mindek agrees to attend three (3) hours of individual Ethics training conducted by the Office of State Ethics.

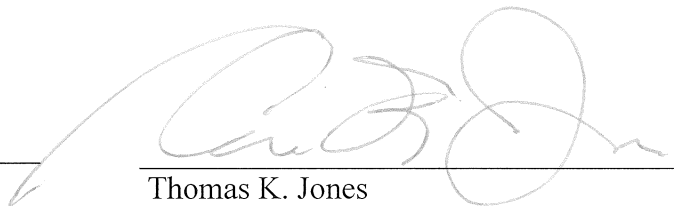
6. Mr. Mindek also agrees to the filing of Statement of Financial Interests (SFI) forms during the tenure of his employment with the State of Connecticut, whether or not he is required to by virtue of his state position.

WHEREFORE, the Ethics Enforcement Officer and Mr. Mindek hereby execute this Stipulation and Consent Order dated August 17, 2017.

Dated: 8/17/17


Mr. James Mindek

Dated: 9/5/17


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