

FINAL DECISION

In the Matter of a Complaint by

Ethics Enforcement Officer,
Office of State Ethics,

Complainant

Docket # 2008-45UL

against

Maria Cahill,

Respondent

April 24, 2008

The above-captioned matter was heard as a contested case on April 2, 2008 at which time the complainant and the respondent appeared and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record, the following facts are found and conclusions of law are reached:

1. It is found that by letter dated January 28, 2008, the complainant informed the respondent that her annual report for 2007 (“ETH-2A”) was delinquent, and that if such report was not filed with the Office of State Ethics (“OSE”) by February 15, 2008, a hearing regarding this matter would be scheduled.

2. It is found that on January 29, 2008, the complainant further informed the respondent by email that:

This morning, the Office of State Ethics sent out over two hundred letters to communicator lobbyists who had not timely filed their annual reports for 2007 (ETH-2A). You may receive one of these letters. If you do, you will note

that you have until February 15, 2008 to cure the problem by filing the appropriate form(s). After that date, however, the Office will be scheduling hearings for those who still have failed to file the form(s). The maximum penalty that can be imposed at any such hearing is \$10 per day for each day the form is delinquent.

Even if you do not receive one of these letters, please take this opportunity to review your filings to ensure that all registrations and reports are current....

3. It is further found that by letter dated February 19, 2008, the complainant informed the respondent that the OSE had reason to believe that the respondent violated General Statutes §1-96 (b) by failing to file the ETH-2A with the OSE for the year 2007.

4. It is found that the February 19, 2008 letter further informed the respondent that a hearing on this matter was scheduled for April 2, 2008. It is found that the February 19, 2008 letter was accompanied by a formal Notice of Hearing, also dated February 19, 2008. Such notice was issued pursuant to the OSE's authority and jurisdiction vested in it by General Statutes § 1-99 (b). It is found that the respondent received timely notice of the hearing in this matter.

5. It is found that the issues presented are

- a) whether the respondent violated § 1-96 (b) by failing to file a ETH-2A form for 2007;
- b) whether the Citizen's Ethics Advisory Board ("Board") should impose a civil penalty in this matter, if it finds that the respondent violated § 1-96 (b).

6. Section 1-96 (b), provides, in relevant part:

Each individual communicator lobbyist registrant and each business organization communicator lobbyist registrant shall file with the Office of State Ethics between the first and tenth day of January a report or reports, signed under penalty of false statement, reporting the amounts of compensation and reimbursement received from each of his clients during the previous year....

7. Section § 1-99 (b), provides, in relevant part:

[The Board] may, after a hearing conducted in accordance with sections 4-176e to 4-184, inclusive, upon the concurring vote of two-thirds of its members, impose a civil penalty not to exceed ten dollars per day upon any registrant who fails to file any report, statement or other information as required by this part... In no event shall the aggregate penalty imposed for such failure to file exceed ten thousand dollars.

8. With respect to the first issue to be addressed, it is found that during 2007 the respondent was paid more than \$2000 in compensation for lobbying activities by Abbott Laboratories.

9. It is found that during 2007, the respondent was a communicator lobbyist registrant within the meaning of § 1-96 (b).

10. It is found that the respondent did not file the 2007 ETH-2A report with the OSE between the first and tenth of January, 2008 as required by § 1-96 (b).

11. It is therefore concluded that the respondent violated § 1-96 (b), by failing to file the required 2007 ETH-2A report with the OSE between the first and tenth of January, 2008.

12. With respect to the second issue to be addressed, it is found that the respondent eventually filed the 2007 ETH-2A report with the OSE on February 22, 2008, forty-three days late.

13. It is concluded that pursuant to § 1-99 (b) the Board may impose a civil penalty upon the respondent of four hundred and thirty dollars, that is, ten dollars per day for forty-three days.

14. It is found that at the hearing in this matter the respondent requested that no fine be imposed because she did not receive the courtesy letter and email, described in paragraphs 1 and 2, above, and therefore, did not have the benefit of the grace period to cure her delinquency.

15. It is found however, that the letter and email, described in paragraphs 1 and 2, above, and the Notice of Hearing, described in paragraph 4, above, were all sent to the respondent's street and email addresses on record with the OSE.

16. Further, it is found that the complainant had no legal obligation to send the respondent the courtesy letter and email notifying her of the delinquency. It is the respondent who bears the burden of ensuring that the ETH-2A is timely filed.

The following order by the Board is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. The respondent shall immediately remit to the OSE a civil penalty in the amount of four hundred dollars and thirty dollars (\$430.00).
2. Henceforth, the respondent shall timely file the ETH-2A report.

Approved by Order of the Citizen's Ethics Advisory Board at its regular meeting of April 24, 2008.

Diane P. Buxo
Acting Clerk of the Board

PURSUANT TO CONNECTICUT GENERAL STATUTES § 4-180 (c), THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE OFFICE OF STATE ETHICS, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

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

Maria Cahill
c/o Abbott Laboratories
100 Abbot Park Road
Abbott Park, IL 60064-6034

Maria Cahill
2 Kathy's Path
Scituate, MA 02066

Diane P. Buxo
Acting Clerk of the Board