



OFFICE OF STATE ETHICS

DOCKET NUMBER 2020-18	:	OFFICE OF STATE ETHICS
	:	
IN THE MATTER OF A	:	18-20 TRINITY STREET
	:	
COMPLAINT AGAINST	:	HARTFORD, CT 06106
	:	
ROBERT SEMBER	:	JULY 9, 2021

STIPULATION AND CONSENT ORDER

Pursuant to the Code of Ethics, General Statutes §§ 1-79, *et seq.*, Mark Wasielewski, Ethics Enforcement Officer, filed a Complaint against Robert Sember (“Sember” 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 the Respondent violated the Code of Ethics as further set forth herein.

The Parties have entered into this Consent Order following the issuance of the 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. From on or about January 27, 2020 and continuing to on or about June 1, 2020, the Respondent was a member on the State Contracting Standards Board (“SCSB”).

2. At all times relevant hereto, the SCSB was a state division located in the Office of Governmental Accountability (“OGA”), a Connecticut state agency.

3. From on or about January 27, 2020, and continuing to on or about June 1, 2020, the Respondent was a “Public Official” as that term is defined in General Statutes § 1-79 (11).

4. At all times relevant hereto, the state Department of Administrative Services (“DAS”) was a “State contracting agency” as that term is defined in General Statutes § 4e-1 (28).

5. At all times relevant hereto, the SCSB held significant, direct statutory authority over state contracting agencies and state contracting agencies’ personnel, including but not limited to, the authority to audit state contracting agencies; the authority to review, terminate, or recommend for termination contracts or procurement agreements undertaken by state contracting agencies; the authority to restrict or terminate the authority of any state contracting agency to enter into any contract or procurement agreements; the authority to restrict or terminate the authority of an employee or agent to enter into any contract or procurement agreement.

6. At all times relevant hereto, the SCSB held significant statutory authority over contractors, bidders and proposers for state contracts, including but not limited to the authority to disqualify any contractor, bidder or proposer, for a period of not more than five years, from bidding on, applying for or participating as a contractor or subcontractor under, contracts with the state.

7. Beginning no later than March 2020, DAS sought to purchase personal protective equipment (“PPE”) in response to the Covid-19 pandemic.

8. During the time period that the Respondent was an SCSB member, the Respondent was employed by several private businesses for financial compensation (the “Private Businesses”).

9. During the time period that the Respondent was an SCSB member, the Respondent took actions before DAS on behalf of the Private Businesses for the purposes of, among others, obtaining procurement contracts from DAS for the sale of PPE, and assisting at least one of the Private Businesses with obtaining Small or Minority Business Enterprise certification from DAS.

10. The actions that the Respondent took on behalf of the Private Businesses include, but are not limited to:

- a. Introducing himself as an SCSB member over email, and referencing his role on the SCSB to DAS contract procurement personnel in other communications;
- b. Serving as main point of contact between DAS and Private Businesses;
- c. Providing Private Businesses' product information and sales proposals to DAS;
- d. Advocating for DAS' purchase of PPE from the Private Businesses;
- e. Facilitating introductions and direct communication between the Private Businesses and high-level DAS procurement personnel; and,
- f. Attempting to circumvent the DAS procurement process.

11. 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[.]

12. The Respondent, by introducing himself and referencing himself to be an SCSB member in communications with DAS personnel in his representation of Private Businesses for which he was compensated financially, used his state position to obtain financial gain for himself, in violation of General Statutes § 1-84 (c).

13. On multiple occasions during his tenure as an SCSB member, the Respondent represented Private Businesses with regard to the negotiation and procurement of PPE contracts with DAS and DAS personnel.

14. During his tenure as an SCSB member, the Respondent represented at least one of

the Private Businesses with regard to obtaining Small or Minority Business Enterprise certification from DAS.

15. At all times relevant hereto, pursuant to his work for the Private Businesses, the Respondent interacted with DAS and DAS personnel who were under the authority and jurisdiction of the SCSB, and of the Respondent in his official capacity.

16. At all times relevant hereto, the Respondent's attempts to obtain procurement contracts for the Private Businesses fell under the jurisdiction of the SCSB, and of the Respondent in his official capacity.

17. SCSB members are prohibited from being "directly involved with any enterprise that does business with the state," pursuant to General Statutes § 4e-2 (e).

18. General Statutes § 1-84 (b) states in pertinent part:

No public official or state employee shall accept other employment which will either impair his independence of judgment as to his official duties or employment or require him, or induce him, to disclose confidential information acquired by him in the course of and by reason of his official duties.

19. By acting in the manner described above, the Respondent accepted other employment that impaired his independence of judgment as to his official duties, in violation of General Statutes § 1-84 (b).

20. The Respondent admits to the foregoing facts, and admits that the foregoing facts constitute violations of the Code of Ethics as alleged in the Complaint.

II. RESPONDENT'S POSITION

1. The Respondent states that, at the time the conduct occurred, he was unfamiliar with the Code of Ethics sections at issue, and that he ceased his conduct when he did become aware of Ethics concerns.

2. The Respondent states that he did not intentionally act to violate the Code of Ethics.

NOW THEREFORE the Ethics Enforcement Officer of the Office of State Ethics and the Respondent hereby enter into this Stipulation and Consent Order and hereby agree as follows:

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 the Respondent 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. Sember agrees, that:

1. Pursuant to General Statutes § 1-88 (a) (1), Mr. Sember will cease and desist from any future violation of General Statutes § 1-84 (c).
2. Pursuant to General Statutes § 1-88 (a) (1), Mr. Sember will cease and desist from any future violation of General Statutes § 1-84 (b).
3. Pursuant to General Statutes § 1-88 (a) (3), Mr. Sember will pay civil penalties to the State in the amount of one thousand two hundred fifty dollars (\$1,250.00) for his violation of General Statutes § 1-84 (c) as set forth in the Complaint and herein.
4. Pursuant to General Statutes § 1-88 (a) (3), Mr. Sember will pay civil penalties to the State in the amount of one thousand two hundred fifty dollars (\$1,250.00) for his violation of General Statutes § 1-84 (b) as set forth in the Complaint and herein.

WHEREFORE, the Ethics Enforcement Officer and Mr. Sember hereby execute this Stipulation and Consent Order dated July 9, 2021.

Dated: 7/12/2021



Robert Sember

Dated: 7/16/21



Mark E. Wasielewski, Esq.
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