

Norwich Ethics Commission

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Complaint 2016-9 – Respondent Steven Sinko

FEB 24 P 3: 29

**Introduction:**

On October 16, 2016, a local paper published a front page article with details about a 2016 trip to the Kentucky Derby sponsored by the Connecticut Municipal Electric Energy Cooperative (CMEEC), of which Norwich Public Utilities (NPU) is a member. The article reported that two NPU employees, two members of the NPU Board of Commissioners, and the Mayor of Norwich had attended, some bringing a guest. Pursuant to the Norwich Ethics Code, the Ethics Commission works under its procedures and considers complaints against Norwich officers, officials and employees. During the weeks that followed, a total of five ethics complaints were submitted on the prescribed forms by Norwich residents. These complaints were taken up at the November and December meetings of the Ethics Commission. The Ethics Commission discussed the fact that Mr. Steven Sinko had participated in the trips as well, and that this had not been addressed by any citizen complaints. Complaint 2016-9 was submitted on behalf of the Ethics Commission and signed by the chairman on November 28, 2016, and is directed against Steven Sinko, a Division Manager of Norwich Public Utilities, who is identified as the respondent in this case. As part of his service as a Division Manager of Norwich Public utilities, he is appointed to be an alternate NPU representative on the CMEEC Board. The complaint was discussed at the January 3, 2017 meeting of the Ethics Commission in executive session. When the commission returned from executive session, Greg Schlough made a motion that the commission find that there was probable cause to believe that an ethical violation had occurred in this case. The motion was carried by the following voting commissioners present: Lord, Dixon, Schlough, and Ballard; Chairman Menard recused herself from this vote.

The complaint alleged that by participating in a trip sponsored by CMEEC to the Kentucky Derby, Mr. Sinko violated section 2.54 (c) of the Code of Ethics.

The language of the Ethics Ordinance relating to this complaint is in Section 2-54 (c) Gifts and Favors, and provides:

“No officer, official or employee shall accept or solicit any gift from any person who, to his or her knowledge, is interested, directly or indirectly, in any manner whatsoever, in business dealings with the city, or which gift may tend to influence him or her in the discharge of official duties or in granting any improper favor, service or thing of value.”

A gift is defined in the ethics ordinance at section 2-52 (d) as:

“A payment, subscription, advance, forbearance, rendering of service, deposit of money, or anything of value unless consideration of equal or greater value is transferred in its place. The term “gift” shall not include a political contribution otherwise reported as required by law; services provided to support a political candidate or political party without compensation by persons volunteering their time; a commercially reasonable loan made on terms not more favorable than loans made in the ordinary course of business; anything of value received because of a family or other close personal relationship with the donor; food or beverage or both, consumed

on a single occasion, the cost of which is less than fifty dollars (\$50) per person; an occasional non-pecuniary gift, insignificant in value; an award publically presented in recognition of public service or any gift which would have been offered or given to the recipient if he or she were not a public official or municipal employee.”

The Kentucky Derby trip identified in complaint 2016-3 took place in May of 2016. There were similar trips taken in the three previous years, but the timeframe for filing ethics complaints is 18 months; earlier trips were not considered by the commission.

Following the finding of probable cause on January 3, 2017, a public hearing was scheduled. The hearing was held on January 19<sup>th</sup> to consider this complaint and also, as part of one hearing by the consent of all respondents, the other complaints (Ms. Diana Boisclair - 2016-2, Mr. Robert Groner – 2016-3, Mayor Deberey Hinchey - 2016-4 and 2016-5, and Mr. John Bilda - 2016-6). The hearing was continued to February 13, 2017, the next regular scheduled meeting of the ethics commission.

**Findings:**

Mr. Sinko began his employment at Norwich Public Utilities in 2000. As a Division Manager, he oversees finance and accounting, geographic information systems, information technology, wholesale natural gas procurement, and pipeline capacity management. He also has been appointed to be an alternate on the CMEEC board. Mr. Sinko testified that he goes to most of the meetings of CMEEC even if he isn't required to serve as an alternate, because of his work in natural gas and also to keep updated on CMEEC activities. Mr. Sinko testified as to the details of the trip under oath at that hearing. The commission finds by clear and convincing evidence the following: Mr. Sinko participated in this trip and brought his spouse. The expenses for him and his spouse were paid by CMEEC, and he never saw nor paid a bill for any items or events procured as arranged by CMEEC, including the following major items. The flight was on a chartered plane out of the Groton Airport with CMEEC staff, CMEEC board members and alternates, and invited guests being the only people on the plane. The accommodations were at the Galt House Hotel while in Louisville, Kentucky. All attendees, including Mr. Sinko and his wife, did not see a bill, which was paid entirely by CMEEC. All meals were arranged and paid for by CMEEC, including tips. Tickets to the Kentucky Derby events were given to all participants by CMEEC. Per the table of calculations below, the board found that the value of the trip for him was \$7,730.23, and his wife was \$7,780.23.

Kentucky Derby Trip Cost per person:	
Total trip cost:	342,330.00
divided by number of participants	44
Cost per person	7,780.23
NPU commissioner or employee gift allowance	50.00
Price for NPU Representative	7,730.23
Price for guest	7,780.23
Cost for NPU Commissioner/employee plus one guest	\$15,510.46

Mr. Sinko testified that his wife accompanied him on the trip. He was asked if there was an agenda for any business activities on the trip, and his response was that there was no agenda. There were no meetings, no specific team building events, no speakers, and no training. When asked if he had any ethical concerns about the trip, he indicated that he did not. Further, he stated he was not aware that there was a Norwich code of ethics that he was bound by as a Norwich employee. Mr. Sinko was asked if there were any Norwich Public Utilities employee travel guidelines. He testified that there were no guidelines. Any business trips he took were reimbursed in full by NPU. As Division Manager responsible for Finance, he would be in a position to know of any reimbursement guidelines for business travel. For this trip, he did not expense anything back to NPU as it was fully funded by CMEEC. The facts regarding the trip are not disputed. Mr. Sinko freely admitted his participation.

### **Decision:**

After completion of the testimony and presentation of evidence on January 19, 2017, the hearing was continued to February 13, 2017. At the February 13, 2017 meeting of the Ethics Commission, the facts determined at the public hearing and the provisions of the Norwich Code of Ethics were discussed at length. The commissioners determined that Mr. Sinko's participation in any CMEEC events was due to his position as a Division Manager of Norwich Public Utilities. No one participates as a representative on the CMEEC board unless they are representing a member utility, and any participation by NPU board members or employees, are a representative of NPU. In the opinion of the Ethics Commission, the trip cannot be construed as a business trip for the following reasons:

- There was no agenda outlining business items. There were no speakers, no specific team building events, and no training.
- Of the 44 participants, there were only 4 CMEEC employees and 8 CMEEC board members or alternates. All of the remaining 32 participants were guests.

The Ethics Commission finds on complaint 2016-9 on the basis of clear and convincing evidence that Mr. Steven Sinko violated the code of ethics, specifically section 2-54 (c) by participating in this trip. The vote to find that this violation had occurred was taken at the February 13, 2017 meeting. Motion was carried by all voting commissioners present: Lord, Dixon, Schlough, and Ballard (Chairman Menard recused herself from this vote).

### **Recommendations:**

Based on this violation, the Ethics Commission makes the following recommendations:

1. The Ethics Commission recommends that the Board of Commissioners of the Norwich Public Utilities provide a closer oversight of Mr. Sinko's travel for at least two years. The recommendation is that all travel should be pre-approved by the Board, and that Mr. Sinko be required to report to the Board to let them know the benefit the trip provided for Norwich Public Utilities.
2. The Ethics Commission recommends that Mr. Steven Sinko make reimbursement in the amount of \$15,510.46. Due to his great level of responsibility and leadership role with NPU, the full

value of the trip is suggested for reimbursement. The Ethics Commission recommends that any reimbursement be given to a fund that helps those in Norwich who struggle financially.

3. The Ethics Commission recommends that Mr. Sinko work with the Board of Commissioners to establish travel reimbursement guidelines for NPU employees to reflect prudent financial management of the NPU travel budget.
4. The Ethics Commission also requests that a letter outlining this ethical violation be included in Mr. Steven Sinko's personnel file at Norwich Public Utilities.

**Matter for Norwich City Council:**

While it was not a subject of the hearing, nor was it a material fact in the decision made by the commission, the ethics commission recommends that the Council review its ordinance with respect to payment of attorney fees by respondents.



Carol A. Menard, Chairman

Kathryn Lord, Vice-Chairman

Christopher Dixon

Robert Ballard

Gregory Schlough

Anthony Black, alternate