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STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of JCJ Architecture, Inc., Hartford

File No. 2008-120

AGREEMENT CONTAINING CONSENT ORDER AND PAYMENT OF A CIVIL  
PENALTY FOR VIOLATION OF CONNECTICUT GENERAL STATUTES  
§§ 9-612 (g) & 9-622 (10).

This agreement by and between James E. LaPosta, Jr., hereinafter referred to as the Respondent, and the authorized representative of the State Elections Enforcement Commission is entered into in accordance with General Statutes § 4-177 (c) and Section 9-7b-54 of the Regulations of Connecticut State Agencies. In accordance herewith, the parties agree that:

1. On August 27, 2008, the Commission authorized the investigation of, among other things, whether any state elections laws were violated by the Respondent in connection with a contribution he made to the Trumbull Democratic Town Committee ("TDTC") in July of 2007.
2. At all times relevant to the instant Complaint, the Respondent was Chief Executive Officer of, and an equity owner or more than 5% of, JCJ Architecture, Inc. ("JCJ"), a Connecticut corporation whose work includes a diverse mix of both public and private architectural design projects.
3. On July 19, 2007, the TDTC held a fundraising dinner. The Respondent made a contribution of \$100 to the TDTC and attended the above fundraising dinner.
4. The Respondent maintains that he intended the proceeds of the aforementioned contribution to support the candidacy of Ray Baldwin, who was running for First Selectman in the Town of Trumbull in the November 2007 municipal election. In his Candidate Registration Statement (SEEC Forms 1 and 1B), Mr. Baldwin designated the TDTC as the sole funding source for his candidacy.
5. General Statutes § 9-601a provides, in pertinent part:
  - (a) As used in this chapter and sections 9-700 to 9-716, inclusive, "contribution" means:
    - (1) Any gift, subscription, loan, advance, payment or deposit of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person or for the purpose of aiding or promoting the success or defeat of any referendum question or on behalf of any political party . . . .

6. General Statutes § 9-601 provides, in pertinent part:

As used in this chapter and sections 9-700 to 9-716, inclusive:

...  
(26) "**Solicit**" means . . . (B) **participating** in any fund-raising activities for a . . . party committee, including, but not limited to, forwarding tickets to potential contributors, receiving contributions for transmission to any such committee or bundling contributions . . . . "Solicit" does not include (i) making a contribution that is otherwise permitted under this chapter . . .

7. General Statutes § 9-612 (g)(1) as amended by Public Act 2007, No. 07-1, defines "state contractor" and "principal of a state contractor" as follows:

(D) "State contractor" means a person, business entity or nonprofit organization that enters into a state contract. Such person, business entity or nonprofit organization shall be deemed to be a state contractor until December thirty-first of the year in which such contract terminates. . . .

(F) "Principal of a state contractor or prospective state contractor" means (i) any individual who . . . has an ownership interest of five per cent or more in, a state contractor or prospective state contractor, which is a business entity . . . . (ii) an individual who is employed by a state contractor or prospective state contractor, which is a business entity, as president, treasurer or executive vice president, . . . (iv) an officer or an employee of any state contractor or prospective state contractor who has managerial or discretionary responsibilities with respect to a state contract . . . .

8. Section 9-612 (g)(1) further provides that:

(B) "State agency" means any office, department, board, council, commission, institution or other agency in the executive or legislative branch of state government.

(C) "State contract" means an agreement or contract with the state or any state agency or any quasi-public agency, let through the procurement process or otherwise, having a value of fifty thousand dollars or more, or a combination or series of such agreements or contracts having a value of one hundred thousand dollars or more in a calendar year, for (i) the rendition of services, . . . (iii) the construction, alteration or repair of any public building or public work . . . .

9. The Respondent admits that JCJ was a "state contractor," and that Respondent was a "principal of a state contractor"—as those terms are defined in General

Statutes § 9-612 (g)(1)(D) & (F) respectively—at the time the Respondent made the aforementioned contribution to the TDTC. Specifically, the Respondent had three open contracts with the Department of Public Works valued at \$50,000 or more each. Contract numbers CF-RW-277-DB-CO, CF-RS-222-A, and BI-JD-253 were opened on March 2, 2004, June 5, 2000, and February 29, 2000, respectively, and remained open during entire the calendar year 2007.

10. General Statutes § 9-612 (g) specifically prohibits a “principal of a state contractor” from making contributions to or solicitations on behalf of a party committee. That provision provides, in relevant part, as follows:

(2) On and after December 31, 2006:

(A) No principal of a state contractor . . . with regard to a state contract solicitation with or from a state agency in the executive branch or a quasi-public agency . . . shall make a contribution to, or solicit contributions on behalf of . . . (iii) **a party committee**; [Emphasis added.]

11. The Trumbull Democratic Town Committee is a “party committee.” See General Statutes § 9-601 (2) (“As used in this chapter . . . “party committee” means . . . a town committee.”)

12. As a “principal of a state contractor” in July, 2007, the Respondent was not therefore permitted to make contributions to or solicit contributions on behalf of the TDTC at its July 19, 2007 fundraiser.

13. The Commission therefore concludes that the Respondent violated § 9-612 (g)(2)(A) by making a \$100 contribution to a party committee.

14. Further, the Commission has previously concluded that attendance at a fundraising affair constitutes “participation” in fund-raising activities and thus, a solicitation per General Statutes § 9-601(26). SEEC Declaratory Ruling No. 2006-2.

15. The Commission therefore concludes that by participating in the aforementioned fundraising dinner benefitting the TDTC, the Respondent solicited on behalf of the TDTC in further violation of General Statutes § 9-612 (g)(2)(A).

16. With respect to said violations, General Statutes § 9-612 (g)(2) further provides that:

(C) **If a state contractor . . . makes a contribution prohibited under subparagraph (A)** . . . of this subdivision, as determined by the State Elections Enforcement Commission, the contracting state agency or quasi-

public agency may, in the case of a state contract executed on or after [December 7, 2005,] the effective date of this section void the existing contract with said contractor, and **no state agency or quasi-public agency shall award the state contractor a state contract or an extension or an amendment to a state contract for one year after the election for which such contribution is made . . .** unless the commission determines that mitigating circumstances exist concerning such violation . . . [Emphasis added.]

17. As previously noted herein, JCJ had three contracts with the state. Nevertheless, the evidence establishes that all of the work required of JCJ pursuant to the above-mentioned contracts has been finished to date. As such, there do not appear to be any existing contracts between the State of Connecticut and JCJ at present.
18. Furthermore, in February of 2008, the Department of Public Works solicited bids of architectural firms to build a “Secure Facility for Juvenile Girls” for the Connecticut Department of Children and Families. The Department of Public Works ultimately chose JCJ to act as the “Design/Build Criteria Architect” for the project but has not executed a contract with the Respondent pending the outcome of the instant matter.
19. In addition, the Respondent represented that in August of 2008 JCJ responded to a bid solicitation from the Department of Public Works concerning the Connecticut State Trooper Facilities. The Respondent maintains that as of the signing of this Agreement, JCJ has not heard whether it was chosen for the project.
20. Given the language of General Statutes § 9-612 (g)(2)(C), the Department of Public works cannot award JCJ either of the aforementioned contracts, or any contracts, for one year after the *election* for which the unlawful contribution was made.
21. Because the Respondent’s contribution was made to a party committee, the Commission looks to the election that followed that contribution—here, the November 6, 2007 municipal election—as the applicable election for the purposes of determining the one year period set forth in General Statutes § 9-612 (g)(2)(C).
22. The Commission therefore concludes that as concerns the instant matter, as of November 7, 2008, any state agency, including the Department of Public Works, or quasi-public agency may award the Respondent a state contract, as the ban enumerated in General Statutes § 9-612 (g) will have expired.
23. Finally, the Respondent is guilty of committing illegal practices pursuant to General Statutes § 9-622 (10) because he made a contribution and a

solicitation that are both prohibited by General Statutes § 9-612. General Statutes § 9-622 (10) specifically provides that:

The following persons shall be guilty of illegal practices . . . .

(10) Any person who solicits, makes or receives a contribution that is otherwise prohibited by any provision of this chapter . . . .

24. The Respondent maintains that his violation of the aforementioned election laws was unintentional and resulted from his misunderstanding of the law. He asserts that he believed he was making a contribution that benefitted a municipal candidate; specifically, Ray Baldwin; and, as such, believed that he was not running afoul of any election law. In addition, the Respondent was unaware that his attendance at the fundraising dinner constituted a solicitation on behalf of the TDTC. Finally, the Respondent does not have a past history of non-compliance with state election laws.
25. The Respondent admits all jurisdictional facts and agrees that this Agreement and Order shall have the same force and effect as a final decision and Order entered after a full hearing and shall become final when adopted by the Commission. The Respondent shall receive a copy hereof as provided in Section 9-7b-56 of the Regulations of Connecticut State Agencies.
26. It is understood and agreed that this agreement will be submitted to the Commission at its next meeting and, if it is not accepted by the Commission, it is withdrawn by the Respondent and may not be used as an admission in any subsequent hearing, if the same becomes necessary.
27. The Respondent waives:
  - (a) any further procedural steps;
  - (b) the requirement that the Commission's decision contain a statement of findings of fact and conclusions of law, separately stated; and
  - (c) all rights to seek judicial review or otherwise to challenge or contest the validity of the Order entered into pursuant to this agreement.
28. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against the Respondent pertaining to this matter.

**ORDER**

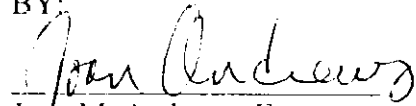
IT IS HEREBY ORDERED THAT the Respondent shall henceforth strictly comply with the requirements of Connecticut General Statutes § 9-612 (g).

IT IS HEREBY FURTHER ORDERED THAT the Respondent shall pay a civil penalty of two thousand dollars (\$2000.00) to the Commission on or before November 19, 2008.

For the State of Connecticut,

DATED: 11-7-08

BY:

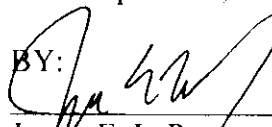


Joan M. Andrews, Esq.  
Director of Legal Affairs &  
Enforcement and  
Authorized Representative of the  
Commission  
20 Trinity Street, Suite 101  
Hartford, Connecticut

The Respondent,


DATED: 11-4-08

Print Name:



James E. LaPosta  
JCJ Architecture, Inc.  
38 Prospect Street  
Hartford, CT 06103

Adopted this 19th day of November, 2008 at Hartford, Connecticut by a vote of the Commission.



Stephen F. Cashman, Chairperson  
By Order of the Commission