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ENFORCEMENT
COMMISSION

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of John McNamara, New Britain

File No. 2008-134

AGREEMENT CONTAINING CONSENT ORDER
AND PAYMENT OF A CIVIL PENALTY FOR
VIOLATIONS OF CONNECTICUT GENERAL STATUTES §§ 9-610 (g) and
9-622 (10)

This agreement, by and between Thomas Evanko of the City of New Britain, County of Hartford, State of Connecticut, 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. The Complainant, John McNamara, a resident of the City of New Britain, alleges that Thomas Evanko, the spouse of a communicator lobbyist, made an impermissible \$25.00 contribution to the Bozek for Senate candidate committee.
2. The Complainant also alleges other violations of election law. However, those allegations that concern additional Respondents will be addressed in separate documents.
3. Thomas Bozek was the Republican candidate for State Senate for the 6th District in the November 4, 2008 state election. On August 29, 2008, he registered with the Commission a candidate committee (hereinafter the "Committee") to finance his candidacy for state senator.
4. General Statutes § 9-610 (g) prohibits, inter alia, contributions from communicator lobbyists and their immediate family members. It provides in relevant part as follows:

No . . . member of the immediate family of a communicator lobbyist . . . shall make a contribution or contributions to, or for the benefit of (1) . . . a candidate committee established by a candidate for nomination or election to the office of . . . state senator

5. General Statutes § 9-601 defines the terms "immediate family" and "communicator lobbyist." It provides as follows in pertinent part:

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

...

(16) "Lobbyist" means a lobbyist, as defined in section 1-91 and "communicator lobbyist" means a communicator lobbyist, as defined in section 1-91.

...

(24) "Immediate family" means the spouse or a dependent child of an individual.

...

6. General Statutes § 1-91 provides in relevant part that:

(k) "Lobbying" means communicating directly or soliciting others to communicate with any official or his staff in the legislative or executive branch of government or in a quasi-public agency, for the purpose of influencing any legislative or administrative action except that the term "lobbying" does not include (1) communications by or on behalf of a party to, or an intervenor in, a contested case, as described in regulations adopted by the commission in accordance with the provisions of chapter 54, before an executive agency or a quasi-public agency, as defined in section 1-79, (2) communications by a representative of a vendor or by an employee of the registered client lobbyist which representative or employee acts as a salesperson and does not otherwise engage in lobbying regarding any administrative action, (3) communications by an attorney made while engaging in the practice of law and regarding any matter other than legislative action as defined in subsection (j) of this section or the proposal, drafting, development, consideration, amendment, adoption or repeal of any rule or regulation, or (4) other communications exempted by regulations adopted by the commission in accordance with the provisions of chapter 54.

(l) "Lobbyist" means a person who in lobbying and in furtherance of lobbying makes or agrees to make expenditures, or receives or agrees to receive compensation, reimbursement, or both, and such compensation, reimbursement or expenditures are two thousand dollars or more in any calendar year or the combined amount thereof is two thousand dollars or more in any such calendar year. . . .

(v) "Communicator lobbyist" means a lobbyist who communicates directly or solicits others to communicate with an official or his staff in the legislative or executive branch of government or in a quasi-public agency for the purpose of influencing legislative or administrative action. . . .

7. General Statutes § 9-601a defines the term "contribution" as, inter alia, "[a]ny . . . payment . . . gift of money or anything of value, when made for the purpose of influencing the . . . election of any person . . ."

8. The Respondent admits making a \$25.00 contribution to Mr. Bozek's candidate committee. He also admits that he is and was the spouse of Ann Hogan, a

registered in-house communicator lobbyist for Yale New Haven Health System, at the time he made the \$25.00 contribution.

9. The Commission therefore concludes that the Respondent violated General Statutes § 9-610 (g) by making said contribution.
10. General Statutes § 9-622 (10) states that, among others, “[a]ny person who . . . makes . . . a contribution that is otherwise prohibited by any provision of this chapter” shall be guilty of committing an illegal practice.
11. The Commission further concludes that the Respondent is guilty of committing an illegal practice pursuant to General Statutes 9-622 (10) for making a contribution prohibited by General Statutes § 9-610 (g).
12. With respect to those violations, the Respondent maintains that he was not aware that his contribution was prohibited. He maintains that his error was unintentional and the Commission has found no evidence to the contrary.
13. The Respondent received and responded to a solicitation letter from Mr. Bozek seeking a contribution. Both men serve on the Governor’s Foot Guard. The Respondent even disclosed that he was the spouse or dependent child of a communicator lobbyist on the Qualifying Contribution Certification Form provided by Mr. Bozek that accompanied his contribution. That Form did not contain any information that would have alerted the Respondent that he was prohibited by law from contributing to Mr. Bozek’s campaign. Mr. Bozek maintains that he did not know that the Respondent was the spouse of a communicator lobbyist until after this Complaint was filed.
14. The Respondent also asserts that his spouse, Ms. Hogan did not know he made the contribution until after this Complaint was filed. Ms. Hogan confirmed the Respondent’s assertion. The Commission has found no evidence to the contrary or to suggest that Ms. Hogan directed or suggested that Mr. Evanko make said contribution.
15. Nevertheless, the Respondent violated General Statutes § 9-610 (g) and is therefore guilty of committing an illegal practice pursuant to General Statutes § 9-622 (10).
16. 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.
17. 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.

18. 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 agreement or Order entered into pursuant to this agreement.

19. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against him pertaining to this matter.

ORDER

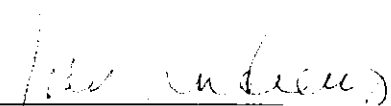
IT IS HEREBY ORDERED that the Respondent shall henceforth strictly comply with General Statutes § 9-610 (g) and shall not commit the illegal practice set forth in General Statutes § 9-622 (10). FILED SEEC
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IT IS FURTHER ORDERED that on or before February 11, 2008, the Respondent, shall pay a civil penalty in the amount of one hundred dollars (\$50.00) to the Commission.

For the State of Connecticut

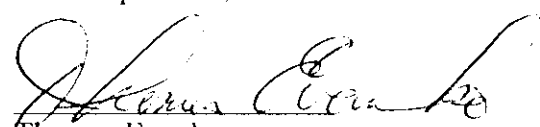
Dated: 2/6/09

BY:



Joan M. Andrews, Esq.
Director of Legal Affairs
And Enforcement and
Authorized Representative of
the State Elections
Enforcement Commission
20 Trinity St., Suite 101
Hartford, Connecticut

Dated: 2-5-09

The Respondent,


Thomas Evanko
68 Lucyan Street
New Britain, CT 06053

Adopted this 11th day of February, 2009 at Hartford, Connecticut


Stephen F. Cashman, Chairman
By Order of the Commission