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STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Randy T. Petroniro, Sr.,
Wolcott

File No. 2009-113

AGREEMENT CONTAINING CONSENT ORDER
FOR VIOLATIONS OF GENERAL STATUTES

This agreement, by and between Randy T. Petroniro, Sr. of the Town of Wolcott, County of New Haven, 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 § 9-7b-54 of the Regulations of Connecticut State Agencies and § 4-177(c) of the General Statutes of Connecticut. In accordance herewith, the parties agree that:

1. Respondent filed this complaint against himself alleging that the Wolcott Democratic Town Committee (hereinafter the "WDTC") solicited and received impermissible business entity contributions from Respondent in the form of the provision of propane gas and equipment, as well as labor to set up and break down such equipment.
2. The period of transactions pertaining to this complaint falls between on or about August 19, 2005 through on or about August 21, 2009.
3. At all times relevant to this complaint, Respondent was employed by Musco Propane, LLC (hereinafter "Musco"), a business registered with the Office of the Secretary of the State as a limited liability partnership.
4. Allegations as they pertain to the WDTC liability under General Statutes, Chapter 155 are addressed in separate document.
5. Pursuant to General Statutes § 9-601 (8) the definition of "business entity" is defined to include "partnerships." The Commission concludes therefore that Musco was a "business entity" for purposes of General Statutes, Chapter 155.
6. General Statutes § 9-613 provides in pertinent part:
 - (a) No business entity shall make any contributions or expenditures to, or for the benefit of, any candidate's campaign for election to any public office or position subject to this chapter or for nomination at a primary for any such office or position, or to promote the defeat of any candidate for any such office or position. *No business entity shall make any other*

contributions or expenditures to promote the success or defeat of any political party, except as provided in subsection (b) of this section. No business entity shall establish more than one political committee. A political committee shall be deemed to have been established by a business entity if the initial disbursement or contribution to the committee is made under subsection (b) of this section or by an officer, director, owner, limited or general partner or holder of stock constituting five per cent or more of the total outstanding stock of any class of the business entity.

[Emphasis added.]

7. Upon investigation, the Commission finds that from 2005 to 2009 the WDTC participated annually at a fair in the Town of Wolcott, by operating a booth for the sale of food each summer to raise funds for the WDTC. The Commission further finds that the WDTC reported the aforementioned fundraising events on its financial statements filed with the Wolcott town clerk's office for the following dates: August 19 through 21, 2005; August 21, 2006; August 17 through 19, 2007; August 17 through 19, 2008; and August 21, 2009, related to the operation of the aforementioned booths.
8. The Commission further finds sometime prior to each of the dates, detailed in paragraph 7 above, that Respondent provided at no cost propane gas, equipment and services from Musco, a business entity, to the WDTC for each fundraiser that is subject of this complaint.
9. Respondent asserts that the approximate value of the provision of propane by Musco for the WDTC to maintain a booth for the sale of food *exceeded* the amount of \$100.00 for *each* occasion.¹ The Commission finds no evidence to contradict the aforementioned assertion or approximate valuation.

¹ The Commission notes that General Statutes § 9-601a provides in pertinent part:

(b) As used in this chapter and sections 9-700 to 9-716, inclusive, "contribution" does *not* mean:

(12) The donation of goods or services by a business entity to a committee for a fund-raising affair, including a tag sale or auction, to the extent that the cumulative value donated *does not exceed one hundred dollars*;

[Emphasis added.]

The Commission further notes that the above statutory exception to the definition of "contribution" therefore does *not* apply to the provision of goods and services by Musco to the WDTC under the facts herein because the valuation of goods and services provided annually exceeded \$100.00 on *each* occasion and therefore did not fall within the narrow exception to the definition of "contribution" provided by General Statutes § 9-601 (a) (b) (12).


10. The Commission concludes, for the reasons detailed in paragraph 7 through 9 above, that the Respondent violated General Statutes § 9-613 by making prohibited *business entity* contributions from Musco to the WDTC in excess of \$100.00 on five occasions for operation of an annual booth for food sales by the WDTC on the dates detailed in paragraph 8 above.
11. The Commission finds that the Respondent's violations are mitigated in part by the fact that he made this complaint and requested that the Commission investigate potential violations regarding the transactions between Musco and the WDTC that are detailed herein. Nevertheless, his actions resulted in prohibited business entity contributions in violation of General Statutes § 9-613, which the Commission views as a serious matter.
12. 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 § 9-7b-56 of the Regulations of Connecticut State Agencies.
13. 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.
14. 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.
15. Upon the Respondent's agreement with the Order hereinafter stated, the Commission shall not initiate any further proceedings against the Respondent pertaining to this matter.

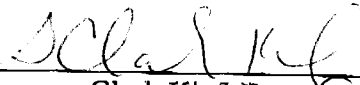
ORDER

IT IS HEREBY ORDERED that the Respondent shall henceforth strictly comply with General Statutes § 9-613.

The Respondent:

For the State Elections Enforcement Commission:


By: 
 Randy T. Petteniro, Sr.
 114 Harrison Drive
 Wolcott, CT 06716

By: 
 Shannon Clark Kief, Esq.
 Legal Affairs Program Director
 and Authorized Representative of the
 State Elections Enforcement Commission
 20 Trinity Street, Suite 101
 Hartford, CT 06106

Dated: Jan 17, 2012

Dated: 2/8/12

Adopted this 18th day of January, 2012 at Hartford, Connecticut by vote of the Commission.


 Stephen F. Cashman, Chairman
 By Order of the Commission