

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
James Brislin, Enfield

File No. 2010-047

FINDINGS AND CONCLUSIONS

The Complainant, brought this Complaint pursuant to Connecticut General Statutes § 9-7b and alleged that during the 2008 campaign for the General Assembly Respondents Alan Willensky, Carroll Hughes, Josh Hughes and Jean Cronin were all registered lobbyists who impermissibly solicited contributions on behalf of the “Colapietro for Senate” candidate committee, in violation of General Statutes §§ 9-610 (e) and (h).

After an investigation of the Complaint, the Commission makes the following findings and conclusions:

1. State Senator Thomas Colapietro was at all relevant times a candidate in the 2008 election for the Connecticut General Assembly in the 31st Senatorial District and was a “participating candidate” in the Citizens’ Election Program, as that term is defined in General Statutes § 9-703 (b).
2. Respondent Patrick Perugino was at all relevant times the treasurer of “Colapietro for Senate,” the candidate committee associated with Senator Colapietro’s campaign.
3. At all relevant times, Respondents Carroll Hughes, Josh Hughes and Jean Cronin were registered “communicator lobbyists” as that term is defined in General Statutes §§ 9-601 (16) and 1-91.
4. At all relevant times, Respondent Alan Willensky was the president of the Connecticut Package Store Association (“CPSA”), a registered “client lobbyist,” as that term is defined in General Statutes §§ 9-601 (16) and 1-91. Respondents Carroll Hughes, Josh Hughes and Jean Cronin were registered as communicator lobbyists who lobby on behalf of CPSA.
5. Client lobbyists, as that term is defined in General Statutes §§ 9-601 (16) and 1-91, are not permitted to solicit contributions on behalf of certain committees during the regular legislative session and certain special legislative sessions. General Statutes § 9-610 (e) (Rev. to Aug. 13, 2010), reads, in pertinent part:

(e) . . . Notwithstanding any provision of this chapter to the contrary, during any regular session of the General Assembly, during any special session of the General Assembly held between the adjournment of the regular session in an odd-numbered year and the convening of the regular session in the following even-numbered year or during any reconvened session of the General Assembly held in an odd-numbered year to reconsider vetoed bills, (1) no client lobbyist or political committee

established by or on behalf of a client lobbyist shall make or offer to make a contribution to or on behalf of, and no such lobbyist shall solicit a contribution on behalf of, (A) a candidate or exploratory committee established by a candidate for nomination or election to the General Assembly or a state office or (B) a political committee (i) established for an assembly or senatorial district, (ii) established by a member of the General Assembly or a state officer or such member or officer's agent, or in consultation with, or at the request or suggestion of, any such member, officer or agent, or (iii) controlled by such member, officer or agent, to aid or promote the nomination or election of any candidate or candidates to the General Assembly or a state office, and (2) no such candidate or political committee shall accept such a contribution. . . .

6. During all times relevant to the instant Complaint, communicator lobbyists, as that term is defined in General Statutes §§ 9-601 (16) and 1-91, were not permitted to solicit contributions on behalf of certain committees.¹ General Statutes § 9-610 (h) (Rev. to Aug. 13, 2010), reads, in pertinent part:

(h) No communicator lobbyist, immediate family member of a communicator lobbyist, agent of a communicator lobbyist, or political committee established or controlled by a communicator lobbyist or any such immediate family member or agent shall solicit (1) a contribution on behalf of a candidate committee or an exploratory committee established by a candidate for the office of . . . state senator or state representative,

7. In his Complaint, Complainant alleges that in the October quarterly Itemized Campaign Finance Disclosure Report (SEEC Form 30) for "Colapietro for Senate," (the "Report") 78 contributions are "from out of district package stores that are almost entirely in sequence. It is my belief that these contributions were bundled or steered to Senator Colapietro's campaign committee by lobbyists Carroll Hughes, Josh Hughes, Alan Willensky (CPSA President), and Jean Cronin. . . ."
8. In support of his allegations, the Complainant included a copy of the Report. No other evidence was provided in support of his allegation.
9. The Respondents in this matter deny generally that any solicitation on behalf of "Colapietro for Senate" occurred by any of the named lobbyists.

¹ Subsequent to the events relevant to the instant matter, the legislature repealed the communicator lobbyist solicitation prohibition in § 9-610 (h) and replaced it with a prohibition, effective January 1, 2011, on communicator lobbyists soliciting contributions for covered committees from "any individual who is a member of the board of directors of, an employee of or a partner in, or who has an ownership interest of five per cent or more in, any client lobbyist that the communicator lobbyist lobbies on behalf of pursuant to the communicator lobbyist's registration under chapter 1. . . ." See Public Acts, Spec. Sess., July 2010, No. 10-1.

10. Respondent Perugino responded more specifically and denied any acquaintance with the lobbyist respondents in this matter. He further asserts that no checks itemized in the Report were "bundled," insofar as no contribution checks were sent to him with any other contribution checks.
11. Moreover, Respondent Perugino asserts that the only "bundling" that occurred was done by him for organizational purposes after receipt of the individual contributions. By way of organizing the contributions to the committee for purposes of reporting and for depositing into the committee bank account, the Respondent would separate the contributions, as they arrived, into in-district "qualifying contributions," as that term is defined in Chapter 157 of the General Statutes, and out-of-district "qualifying contributions." When feasible, they were both reported and deposited in these separate constituent groups.
12. Further, Respondent Perugino would assign sequential numbers to the in-district contributions in order to know when the committee had achieved the 300 "qualifying contribution" threshold required to apply for a grant. He would then identify the out-of-district contributions with the acronym "OOD." In the Report, the Respondent identified these markers in the "Contribution ID #" field.
13. Turning to the Complainant's allegations, the Commission finds as an initial matter that no contribution came from any "district package stores," as alleged, but rather from individuals identifying themselves as employed in the alcoholic beverage industry.
14. Moreover, after reviewing the Report, the Commission finds that while there do appear to be approximately 34-40 such contributions, the Complainant's allegation that 78 such contributions are present is unsubstantiated by either the Complaint allegations or the Report itself.
15. Further, the Commission finds that the Report contains approximately 465 individual contributions, of which the 34-40 contributions from individuals identifying themselves as employed in the alcoholic beverage industry represent a relatively small 7.3-8.6% of the total contributions for that quarter. By way of comparison, contributions from individuals identifying themselves as employed, for example, in the public service sector represent more than twice the number of those contributions from individuals identifying themselves as employed in the alcoholic beverage industry.
16. Finally, Commission staff made contact with a sampling of individuals listed in the October filing as identifying themselves as employed in the alcoholic beverage industry. Because of the passage of time between the filing of the instant Complaint and the events alleged herein, those interviewed had a scant recollection of the details surrounding their contribution to Senator Colapietro. No evidence was found as a result of this survey that would substantiate Complainant's allegation that any individual was solicited by any of the Respondent lobbyists named herein.
17. Accordingly, the Commission concludes that there is insufficient evidence to substantiate the Complainant's allegation that any of the named Respondent lobbyists

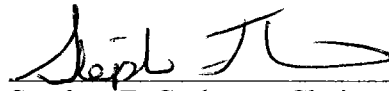
solicited contributions for the "Colapietro for Senate" candidate committee from individuals identified in its October 2008 Itemized Campaign Finance Report.

ORDER

The following Order is recommended on the basis of the aforementioned findings:

That the matter be dismissed.

Adopted this 16th day of February, 2011 at Hartford, Connecticut.



Stephen F. Cashman, Chairperson
By Order of the Commission