

**STATE OF CONNECTICUT**  
**STATE ELECTIONS ENFORCEMENT COMMISSION**

Complaint of Lisa Labella,  
Trumbull

File No. 2014-046A

**AGREEMENT CONTAINING CONSENT ORDER**

This agreement by and between Carl J. Scarpelli of the Town of Trumbull, County of Fairfield, State of Connecticut (hereinafter "Respondent") and the authorized representative of the State Elections Enforcement Commission is entered into in accordance with Section 9-7b-54 of the Regulations of Connecticut State Agencies and Section 4-177 (c) of the General Statutes of Connecticut. In accordance herewith, the parties agree that:

1. Complainant alleged that the Trumbull Republican Town Committee (TRTC) in 2009, 2010 and 2011 violated campaign finance statutes by receiving contributions from Respondents Jeffrey J. Raucci and Jeannette Raucci as principals of Bismark Construction as state contractor with the State of Connecticut.
2. By way of background, Respondent Jack Testani was Chairman of the TRTC and during the time of the contributions that are subject of this complaint and Respondent Scarpelli was the TRTC treasurer. Further, Bismark Construction is a general contractor with its offices in Milford, Connecticut. Finally, Respondents have no prior history with the Commission.
3. Complainant alleged that Respondents Jeffrey and Jeannette Raucci, who are spouses, made the prohibited contributions that are subject of this complaint. Allegations pertaining to the aforementioned Respondents are treated under a separate agreement.
4. General Statutes § 9-612, provides in pertinent part:

(2) (A) *No* state contractor, prospective state contractor, principal of a state contractor or principal of a prospective state contractor, with regard to a state contract or a state contract solicitation with or from a state agency in the executive branch or a quasi-public agency or a holder, or *principal of a holder, of a valid prequalification certificate, shall make a contribution to*, or, on and after January 1, 2011, knowingly solicit contributions from the state contractor's or prospective state contractor's employees or from a subcontractor or principals of the subcontractor on behalf of

(i) an exploratory committee or candidate committee established by a candidate for nomination or election to the office of Governor, Lieutenant Governor, Attorney General, State Comptroller, Secretary of the State or State Treasurer, (ii) a political committee authorized to make contributions or expenditures to or for the benefit of such candidates, or (iii) *a party committee*;  
 [Emphasis added.]

5. General Statutes § 9-622, provides, in pertinent part, that the following persons shall be engaged in “illegal practices”:

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

6. The Commission finds, after investigation, that the following contributions were made by Respondents Jeffrey and Jeannette Raucci to the TRTC:

Jeffrey J. Raucci to the TRTC:

<u>TRTC Filing</u>	<u>Amount</u>
10/10/09	\$150.00
10/10/10	\$600.00
10/10/11	<u>\$660.00</u>
Total:	\$1,410.00

Jeannette Raucci to the TRTC:

<u>TRTC Filing</u>	<u>Amount</u>
10/10/09	Total: \$1,000.00

7. Upon investigation, it was determined that Bismark Construction has been, and remains at this time, a holder of a valid prequalification certificate from the Connecticut Department of Revenue Services (DRS) since September 14, 2004. Further, DRS, in the course of this investigation, confirmed that at all times relevant to this complaint, Bismark Construction has *not* had a contract with the State of Connecticut. Finally, Respondent Jeffrey Raucci admits he is an owner of Bismark Construction and that his ownership interest is in excess of 5%.

8. The Commission concludes that pursuant to General Statutes § 9-612 (f) (1) (F) (i) Respondent Jeffery Raucci is the principal of a holder of a valid prequalification certificate, in that he is a co-owner of Bismark Construction with 5% or more ownership interest in the same. The Commission further concludes that Respondent Jeannette Raucci is a spouse of a principal of a holder of a valid prequalification certificate and therefore a principal of Bismark Construction and is subject to the state contractor contribution ban pursuant to § 9-612 (f) (1) (F) (v).
9. The Commission concludes, after investigation, that at the time of the contributions by Respondents Jeffrey and Jeanette Raucci to the TRTC they were each principals of Bismark Corporation, a holder of a valid prequalification certificate from DRS, and therefore were prohibited by the state contractor contribution ban from making contributions to a party committee pursuant to General Statutes § 9-612 (f) (1) (F) (i) and (v).
10. The Commission stresses that principals of a holder of a valid prequalification certificate from DRS cannot give to a party committee pursuant to General Statutes § 9-612 (f) (2) (A) (iii) cannot give to a party committee such as the TRTC. Further, the Commission notes that “[a]ny person who solicits, makes or receives a contribution that is otherwise prohibited by any provision of this chapter” shall be engaged in “illegal practices” pursuant to § 9-622 (10).
11. Upon investigation, the Commission finds as of July 12, 2010 Respondent Jeffrey Raucci had completed a TRTC Contribution Certification Form certifying that he was not a state contractor. Further, the Commission finds that Respondent Scarpelli, Respondent Testani and the TRTC indicated that they relied in good faith on the certification by Respondent Jeffrey Raucci on July 12, 2010 that he was not a principal of a state contractor in processing his contributions and that of his spouse Respondent Jeannette Raucci.
12. Additionally, the Commission finds that Respondent Scarpelli and Respondent Testani, in response to this complaint and investigation, indicated that they and the TRTC did not otherwise know that Respondents Jeffrey and Jeannette Raucci were principals of Bismark Construction and that it was the holder of a valid prequalification certificate from DRS.

13. The Commission finds a lack of evidence that Respondent Testani as Chairman of the TRTC solicited or received any of the four prohibited contributions made by Respondents Jeffrey and Jeannette Raucci to the TRTC in violation of General Statutes § 9-612 (f) and § 9-622 (10). The Commission therefore dismisses the allegations as they pertain to Respondent Testani.
14. The Commission concludes that Respondent Testani, as Chairman of the TRTC, received and deposited four contributions totaling \$2,410.00 from Respondents Jeffrey and Jeannette Raucci, that were otherwise prohibited by General Statutes § 9-612 (f) and therefore in violation of § 9-622 (10).
15. The Commission declines, under these narrow and specific circumstances, to exercise its civil penalty authority against Respondent Scarpelli personally as treasurer of the TRTC, in that there is credible evidence of good faith reliance on a Contributor Card Certification by Respondent Jeffrey J. Raucci that he was *not* a state contractor and therefore that he, along with his spouse, were prohibited from making contributions to the TRTC.
16. Nevertheless, the Commission, for purposes of full settlement of this matter as it pertains to Respondent Scarpelli and the TRTC, will require that the TRTC remit \$2,410.00 from its checking account to the Connecticut General Fund. Such amount represents in total dollars the amount of contributions prohibited by General Statutes §9-612 (f) that were received and deposited by the TRTC. The aforementioned remittance is consistent with Commission authority pursuant to § 9-7b (3) (A).
17. Respondent admits all jurisdictional facts and agree 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. Respondents shall receive a copy hereof as provided in Section 9-7b-56 of the Regulations of Connecticut State Agencies.
18. 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 Respondents and may not be used by either party as an admission in any subsequent hearing, if the same becomes necessary.

19. 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.

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

**ORDER**

IT IS HEREBY ORDERED THAT the Respondent shall henceforth strictly comply with the requirements of General Statutes § 9-622 (10).

IT IS HEREBY FURTHER ORDERED THAT the Respondent Carl J. Scarpelli, as treasurer of the TRTC, will cause the TRTC to remit from its checking account the amount of two thousand four hundred and no dollars (\$2,410.00) to the Commission on or before February 8, 2016 for deposit into the Connecticut General Fund.

The Respondents:

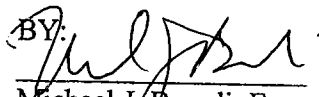
BY: 

Carl J. Scarpelli  
14 Valley Road  
Trumbull, Connecticut

Dated: 1/20/16

BY:

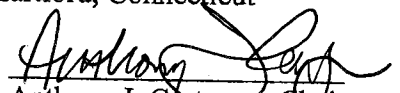
For the State of Connecticut:

BY: 

Michael J. Brandi, Esq.,  
Executive Director and General Counsel and  
Authorized Representative of the  
State Elections Enforcement Commission  
20 Trinity Street, Suite 101  
Hartford, Connecticut

Dated: 2/1/16

Adopted this 10<sup>th</sup> day of February, 2016 at Hartford, Connecticut

  
Anthony J. Castagno, Chairman  
By Order of the Commission

**RECEIVED  
STATE ELECTIONS**

FEB 01 2016

**ENFORCEMENT  
COMMISSION**