

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Raymond Baldwin, Jr.
Trumbull

File No. 2015-009

AGREEMENT CONTAINING CONSENT ORDER

This agreement by and between Raymond Baldwin, Jr. and Mary Ann Baldwin of the Town of Trumbull, County of Fairfield, State of Connecticut (hereinafter "Respondents") 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. Complaint was self-reported by Raymond Baldwin, Jr. and his spouse Mary Ann Baldwin. Respondent Raymond Baldwin indicated that he was on the Board of Directors and the President and CEO of St. Vincent's Special Needs Center, Inc. (SVSN).
2. Respondents reported that that they "have made contributions to the Trumbull Democratic Town Committee (TDTC) in connection with its social functions and activities." Further, Respondents indicated that TDTC Treasurer Lisa Labella informed them that their contributions to the TDTC "...might not be in compliance with the Connecticut General Statutes § 9-612 (f)."
3. Respondent Raymond Baldwin admits that he and his spouse submitted contributor cards to the TDTC that indicated erroneously that they were not state contractors. He asserts that this was based on his own misunderstanding that he and his spouse were exempted from the state contractor ban because SVSN is a nonprofit. Respondents have no prior history with the Commission.
4. By way of background, the contributions detailed herein were made by Respondents between February 6, 2010 and February 6, 2015. Further, SVSN is a non-profit (501 (c) (3)) headquartered in Trumbull, Connecticut and is affiliated with St. Vincent's Health Services Corporation. SVSN provides services for persons with intellectual and developmental disabilities. Further, SVSN provides its various services to hundreds of individuals in dozens of Connecticut cities and towns.
5. It is not disputed that at all times relevant to this complaint and continuing until the present time, the outstanding principal balance of contracts between the SVSN and work with the Department of Children and Families (DCF), the Department of Dependent Services (DDS) and/or the Department of Social Services (DSS) satisfy the threshold to qualify SVSN as a state contractor pursuant to General Statutes § 9-612 (f). At all times relevant to this complaint SVSN appeared on the Commission's "*List Two – State Contractors Prohibited from Contributing to State Wide Office Candidates.*"

6. Additionally, it is not disputed that Respondent Raymond Baldwin, Jr. was a principal of a state contractor and that Respondent Mary Ann Baldwin was the spouse of a principal of a state contractor (and thus also a principal) as described in General Statutes § 9-612 (f).
7. Respondents reported making the following contributions that were confirmed upon independent analysis in the course of investigation:

Raymond Baldwin, Jr. – Principal, SVSN

Time Period of 12 Contributions: April 2010 through April 2015

Total Amount of Contributions: \$5,380

Trumbull Democratic Town Committee \$500	02/06/10
Trumbull Democratic Town Committee \$500	02/05/11
Trumbull Democratic Town Committee \$350	06/07/11
Trumbull Democratic Town Committee \$500	02/04/12
Trumbull Democratic Town Committee \$275	10/13/12
Trumbull Democratic Town Committee \$50	10/13/12
Trumbull Democratic Town Committee \$175	11/30/12
Trumbull Democratic Town Committee \$1,000	01/10/13
Trumbull Democratic Town Committee \$500	10/02/13
Trumbull Democratic Town Committee \$1,000	01/27/14
Trumbull Democratic Town Committee \$30	02/15/14
Trumbull Democratic Town Committee \$500	02/06/15

Mary Ann Baldwin – Spouse of Principal, SVSN

Time Period of 5 Contributions: October 2010 through June 2013

Total Amount of Contributions: \$1,810

Trumbull Democratic Town Committee \$1,000	10/14/10
Trumbull Democratic Town Committee \$500	06/28/11
Trumbull Democratic Town Committee \$60	01/26/13
Trumbull Democratic Town Committee \$200	06/18/13
Trumbull Democratic Town Committee \$50	06/18/13

8. General Statutes § 9-612 provides in pertinent part:

...

(F) ***“Principal of a state contractor*** or prospective state contractor” ***means***
 (i) any individual who is a member of the board of directors of, or has an ownership interest of five per cent or more in, a state contractor or prospective state contractor, which is a business entity, except for an

individual who is a member of the board of directors of a nonprofit organization, ***(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, ***(iii) an individual who is the chief executive officer of a state contractor or prospective state contractor, which is not a business entity, or if a state contractor or prospective state contractor has no such officer, then the officer who duly possesses comparable powers and duties,*** ***(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,*** ***(v) the spouse or a dependent child who is eighteen years of age or older of an individual described in this subparagraph,*** or ***(vi) a political committee established or controlled by an individual described in this subparagraph or the business entity or nonprofit organization that is the state contractor or prospective state contractor.***

...

(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 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 solicit contributions 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;***

...

(C) If a state contractor or principal of a state contractor makes or solicits a contribution prohibited under subparagraph (A) or (B) 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 the effective date of this section may 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 or solicited unless the commission determines that mitigating circumstances exist concerning such violation. No violation of the prohibitions contained in subparagraph (A) or (B) of this subdivision shall be deemed to have occurred if, and only if, the improper contribution is returned to the principal by the later of thirty

days after receipt of such contribution by the recipient committee treasurer or the filing date that corresponds with the reporting period in which such contribution was made, ...
[Emphasis added.]

9. The Commission finds that Respondent Mary Ann Baldwin is the spouse of Raymond Baldwin, Jr. who is a principal of SVSN and she is therefore covered by the state contractor ban pursuant to General Statutes § 9-612 (f) (1) (F) (v) and considered a principal of a state contractor by that section.
10. The Commission further finds after investigation, and by her own admission, that Respondent Mary Ann Baldwin made five contributions totaling \$1,810.00 between October 2010 through June 2013 to the TDTC. Further, the Commission finds that TDTC is a party (town) committee and is therefore covered for the purposes of the state contractor ban by § 9-612 (f) (2) (A) (iii).
11. The Commission concludes therefore that Respondent Mary Ann Baldwin's contributions to the TDTC were therefore prohibited by the state contractor contribution ban and made in violation of § 9-612 (f) (2) (A) (iii) that prohibits principals of state contractors from making contributions to party (town) committees.
12. The Commission finds that Respondent Raymond Baldwin, Jr. as President of SVSN is a principal of a state contractor and is therefore covered by the state contractor ban pursuant to General Statutes § 9-612 (f) (1) (F) (ii).
13. The Commission further finds after investigation, and by his own admission, that Respondent Raymond Baldwin made twelve contributions totaling \$5,380 between February 2010 through February 2015 to the TDTC. Further, the TDTC is a party (town) committee and is therefore covered for the purposes of the state contractor ban by § 9-612 (f) (2) (A) (iii).
14. The Commission concludes therefore that Respondent Raymond Baldwin's contributions to the TDTC were therefore prohibited by the state contractor contribution ban and made in violation of § 9-612 (f) (2) (A) (iii) that prohibits principals of state contractors from making contributions to party (town) committees.
15. The Commission considers it aggravating for purposes of weighing and imposing potential civil penalties in this instance that Respondents' contributions were (1) made well after the 2005 passage of the state contractor ban, (2) numbered well over a dozen prohibited contributions and (3) included contributions made in the maximum amount (prior to P.A. 13-180) of \$1,000.00 from an individual to a town committee.

16. Nevertheless, the Commission finds that pursuant to General Statutes § 9-612 (f), a separate mitigating circumstances analysis is not reached unless the Commission determines that a violation has occurred. Therefore, the Commission finds that the violations by Respondents of the state contractor contribution ban, as detailed herein, allows the Commission to determine whether “mitigating circumstances” exist concerning such violations pursuant to General Statutes § 9-612 (f) (2) (C).
17. General Statutes § 9-612 (f) (2) (C) provides possible relief from the mandatory contract penalty, and allows the Commission to determine whether “mitigating circumstances” exist concerning the violation. If *mitigating circumstances* are found by the Commission, the contractual penalty is not automatic, but the awarding agency retains discretion to amend a contract or award a new contract. The agency may still void a contract at its discretion if a violation of § 9-612 (f) (2) (C) occurs, even if mitigating circumstances are found pursuant to that section.
18. In determining whether circumstances are “mitigating,” the Commission deems it necessary to consider any circumstances pertaining to the contributions by Respondents Raymond Baldwin and Mary Ann Baldwin, as well as contracts and agreements between SVSN and DCF, DDS and DSS that would, although not excusing the conduct, tend to reduce the harm of pay-to-play or influence peddling the state contractor contribution ban is designed to prevent.
19. Specifically, the Commission has consistently and historically determined that pursuant to General Statutes §9-612 (f) the state contractor ban is designed to eliminate the undue influence over the awarding of contracts that principals of state contractors who make contributions to candidate committees and exploratory committees for statewide office could wield over those state actors awarding such contracts and prevent awarding of contracts in exchange for campaign contributions and pay-to-play campaign finance schemes. See *In the Matter of a Complaint by Carla Squatrito, et al.*, File No. 2010-112; *In the Matter of a Complaint by Gerald T. Weiner, et al.*, File No. 2010-099; *In Re David Baxter, et al.*, File No. 2009-080; *In Re Charles Shivery*, File No. 2007-381; *In the Matter of Ronald Nault and Luchs Consulting Engineers, LLC*, File No. 2007-353; *In Re JCJ Architecture*, File 2008-120; and, *In Re Antinozzi Associates*, File No. 2014-009.
20. The Commission finds a lack of evidence that the contributions described in this agreement were made in connection with any requests for or offers of assistance between the TDTC party committee and Respondents on behalf of SVSN for the purposes of obtaining contracts with DCF, DDS and DSS.
21. Additionally, the Commission finds there is a lack of evidence that the aforementioned contribution recipient TDTC was in the position to influence the decision making of DCS pertaining to its contracts or contract amendments with the Firm. Finally, the Commission finds a lack of evidence that the TDTC party committee, its agents or representatives, in connection with prohibited campaign contributions or otherwise,

acted on behalf of either party in relation to the contracts between SVSN and DCF, DDS and DSS.

22. Pertaining Respondent Raymond Baldwin and his prohibited contributions described herein, and Respondent Mary Ann Baldwin and her prohibited contributions described herein, the Commission determines that the following mitigating circumstances exist:

- (1) The party (town) committee TDTC and/or its representatives or Agents that Respondents' contributed to were not involved in obtaining contracts between SVSN and DCF, DDS and DSS;
- (2) Respondents upon learning of their errors self-reported suspected prohibited state contractor contributions to the Commission by filing this complaint;
- (3) If SVSN is barred from the contracts with DCF, DDS and DSS it will potentially lead to various "hardships" to DCF, DDS and DSS and substantial additional costs to the taxpayers because of such hardships.
- (4) The detrimental effects of "pay-to-play" relationships, that result in the awarding of state contracts in exchange for political contributions, which General Statutes § 9-612 (f) was enacted to combat, were not present under these specific facts and circumstances relating to Respondents, SVSN and DCF, DDS and DSS.

23. The Commission concludes pursuant to General Statutes § 9-612 (f) (2) (C) that *mitigating circumstances* existed pertaining to the violations found in connection with the respective contributions by Respondents Raymond Baldwin, Jr. and Mary Ann Baldwin to the TDTC party committee, such that SVSN is not statutorily barred from continuing, effectuating or otherwise implementing existing contracts or contractual obligations between SVSN and DCF, DDS and DSS.

24. The Commission determines after investigation that the policy behind General Statutes § 9-612 (f) to address "pay-to-play" schemes relating to campaign contributions and the awarding of state contracts was not circumvented under these narrow facts and circumstances and therefore allowing SVSN to continue its contractual relationships and obligations with DCF, DDS and DSS does *not* compromise the state's interests to insure integrity in its campaign financing system.

25. Accordingly, the Commission concludes that these mitigating circumstances concerning the violations by Respondents do *not* bar DCF, DDS and DSS pursuant to General Statutes § 9-612 (f) (2) (C) from negotiating or fulfilling its contracts or other contractual obligations with SVSN and that the DCF, DDS and DSS may exercise discretion consistent with authority under § 9-612 (f) (2) (C).
26. Respondents admit 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.
27. 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.
28. Respondents waive:
 - 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.
29. Upon Respondents' compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against them pertaining to this matter.


ORDER

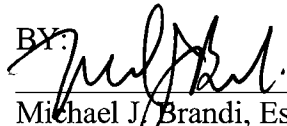
IT IS HEREBY ORDERED THAT the Respondents shall henceforth strictly comply with the requirements of General Statutes § 9-612 (f).

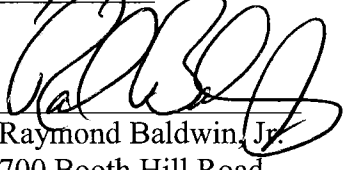
IT IS HEREBY FURTHER ORDERED THAT the Respondent Mary Ann Baldwin shall pay a civil penalty in the amount of five hundred dollars (\$500.00) and Respondent Raymond Baldwin, Jr. shall pay a civil penalty in the amount of two thousand dollars (\$2,000.00) to the Commission on or before June 16, 2015.

The Respondents:

For the State of Connecticut:

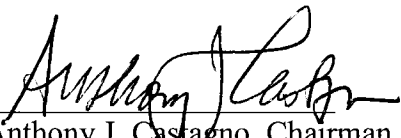
BY: 
Mary Ann Baldwin
700 Booth Hill Road
Trumbull, Connecticut

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: 7/14/15
BY: 
Raymond Baldwin, Jr.
700 Booth Hill Road
Trumbull, Connecticut

Dated: 7/10/15

Adopted this 14th day of July, 2015 at Hartford, Connecticut


Anthony J. Castagno, Chairman
By Order of the Commission

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ENFORCEMENT COMMISSION