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STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

ENFORCEMENT COMMIS

In re SEEC Initiated Investigation of Steve Obsitnik for Connecticut

File No. 2018-050A

AGREEMENT CONTAINING A CONSENT ORDER

The parties, Andrew Robert Grant (the “Respondent”) and the undersigned authorized representative of the State Elections Enforcement Commission (the “Commission”), enter into this agreement as authorized by Connecticut General Statutes § 4-177 (c) and Regulations of Connecticut State Agencies § 9-7b-54.

1. This Commission initiated investigation concerns allegations that contributions into the *Steve Obsitnik for Governor Committee* were contributed, solicited, collected, and/or reported in violation of Connecticut elections law.¹

Background

The Commission alleges as follows:

2. On January 13, 2017, Stephen Obsitnik registered the *Steve Obsitnik for Connecticut* committee with the Commission. The *Steve Obsitnik for Connecticut* committee was an exploratory committee formed to finance Mr. Obsitnik’s exploration of candidacy for statewide office in the State of Connecticut.
3. On October 1, 2017, Stephen Obsitnik registered the *Steve Obsitnik for Governor* candidate committee.² That committee was formed to finance Mr. Obsitnik’s candidacy for Governor of the State of Connecticut in the November 6, 2018 general election and the August 4, 2018 Republican primary that preceded it.
4. At all times relevant hereto, the *Steve Obsitnik for Governor* committee was collecting contributions in order to qualify for a grant from the Citizens’ Election Program for the August 4, 2018 primary. Donations raised in compliance with the Citizens’ Election Program rules are also known as qualifying contributions. *See* General Statutes § 9-704.³

Discussion

5. Between June and November of 2017, Respondent Grant was in communication with the *Steve Obsitnik for Connecticut* and *Steve Obsitnik for Governor* committees regarding raising funds for the benefit of those committees.

¹ This Agreement and Order shall address the allegations of elections law violations by Respondent Andrew Robert Grant. Allegations concerning other Respondents in this matter shall be addressed under separate cover.

² The *Steve Obsitnik for Connecticut* committee was terminated on October 15, 2017.

³ At all times relevant hereto, to be considered a qualifying contribution to a gubernatorial candidate committee, a contribution must be from an individual and in the amount of \$100 or less. *See* General Statutes § 9-704 (a) (1).

6. On September 19, 2017, Respondent Grant hosted a campaign event for the benefit of the *Steve Obsitnik for Connecticut* exploratory committee.
7. Respondent Grant solicited and collected contributions to the *Steve Obsitnik for Connecticut* exploratory committee at the September 19, 2017 fundraising event.
8. On November 7, 2017, Respondent Grant hosted a campaign event for the benefit of the *Steve Obsitnik for Governor* candidate committee.
9. Respondent Grant solicited and collected contributions to the *Steve Obsitnik for Governor* committee at the November 7, 2017, fundraising event.
10. Respondent Grant also solicited and collected contributions to the *Steve Obsitnik for Governor* committee in the days preceding the November 7, 2017, fundraising event.
11. General Statutes § 9-608 requires that individuals that make contributions to gubernatorial candidate committees in excess of fifty dollars complete a contribution certification form that provides information about the contributor. Contributors are further required to certify that they are not among a class restricted from making that contribution on the certification form.
12. Each contribution solicited and collected by Respondent Grant was in the amount of one hundred dollars.
13. A contribution certification form accompanied each contribution solicited and collected by Respondent Grant.
14. The Commission has determined that, of the contributions solicited and collected by Respondent Grant, six were made by individuals other than those listed on the contribution certification forms. Hereinafter, these six contributions shall be referred to as the “**Problem Contributions[.]**”
15. The Commission has further determined that each of the Problem Contributions was contributed by Respondent Grant himself and Respondent Grant was the individual who submitted the false contribution certification forms to the treasurer for *Steve Obsitnik for Governor*.
16. The Commission has also determined that each of the Problem Contributions was a \$100 cash contribution.
17. General Statutes § 9-622 provides, in pertinent part, that the following persons shall guilty of an illegal practice:

(7) Any person who, directly or indirectly, individually or through another person, makes a payment or promise of payment to a treasurer in a name other than the person's own, and any treasurer who knowingly receives a payment or promise of

payment, or enters or causes the same to be entered in the person's accounts in any other name than that of the person by whom such payment or promise of payment is made;

....

(9) Any person who offers or receives a cash contribution in excess of one hundred dollars to promote the success or defeat of any political party, candidate or referendum question;

18. General Statutes § 9-611(d) further provides that “[n]o individual shall make a contribution to any candidate or committee, other than a contribution in kind, in excess of one hundred dollars except by personal check or credit card of that individual.”
19. The Commission is entitled to assess a civil penalty of “two thousand dollars per offense or twice the amount of any improper payment or contribution, whichever is greater, against any person the commission finds to be in violation of any provision of chapter 155 or 157.” General Statutes § 9-7b (a) (2) (D).⁴
20. In this case, the Respondent is subject to a \$2,000 civil penalty for each contribution made in the name of another.
21. In this case, the Respondent is further subject to a \$2,000 civil penalty for each cash contribution he made in excess of one hundred dollars.
22. As the Respondent made six contributions in the name of another and five cash contributions in excess of \$100, the Respondent is subject to a civil penalty of \$22,000 for the violations detailed herein.
23. An individual giving in the name of another, or making a “straw contribution”, is one of the most serious violations that the Commission considers. *See In re Grant Verification of Contributions by Garrett Moore, Jr.*, File No. 2014-017; *In the Matter of Cusano Campaign Solicitors, Commission Initiated*, File No. 2008-148. This is especially true when the contributions are made to candidates trying to qualify to receive a grant of public money from the Citizens’ Election Program. *Id.*
24. Moreover, the Commission concludes that the Respondent made each of the Problem Contributions in cash, exceeding his cash contribution limit. See General Statutes § 9-622.
25. The limitations on cash contributions exist to prevent just this problem of untraceable contributions. *See e.g.*, H.R. Proc. Pt. 4, 1992 Sess., p. 2706.
26. The Commission concludes that the Respondent’s conduct in this case was egregious and condemns such action unequivocally.

⁴ General Statutes § 9-622 is within Chapter 155 of the General Statutes.

27. The Respondent has no previous history with the Commission.
28. Accordingly, the Commission concludes that a civil penalty of \$16,000 is appropriate for the violations by Respondent Grant in this case.
29. However, Respondent Grant has already and is continuing to provide valuable information concerning the investigations docketed under Commission file numbers 2018-050 and 2018-051.
30. Therefore, the Commission will suspend the collection of \$8,000 of the \$16,000 civil penalty pending continued cooperation with the Commission. The determination of what constitutes continued cooperation shall be within the sole discretion of the Commission.
31. If, after the conclusion of the investigations docketed under Commission file numbers 2018-050 and 2018-051, the Commission determines that Respondent Grant has abided by his agreement to cooperate with these investigations, the Commission shall, by operation of this agreement, and without the need for another vote of the Commission, reduce Respondent's civil penalty for this matter to \$8,000.
32. The Respondent neither admits nor denies the factual allegations contained herein.

Terms of General Application

33. The Respondent admits to all jurisdictional facts and agrees that this Agreement and Order shall have the same force and effect as a final decision and order entered into after a full hearing and shall become final when adopted by the Commission.
34. 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 to contest the validity of the Order entered into pursuant to this Agreement.
35. Upon the Respondent's agreement to comply with the Order hereinafter stated, the Commission shall not initiate any further proceedings against the Respondents regarding this matter.

36. It is understood and agreed by the parties to this Agreement that the Commission will consider this Agreement at its next available meeting and, if the Commission rejects it, the Agreement will be withdrawn and may not be used as an admission by the Parties in any subsequent hearing, proceeding or forum.

ORDER

It is hereby ordered that the Respondent Grant shall henceforth strictly adhere to the requirements of General Statutes § 9-622.

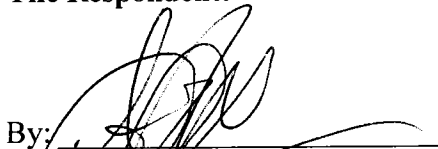
It is further ordered that Respondent Grant shall be prohibited from serving as a solicitor of any committee subject to the jurisdiction of the committee for a period of seven years.

In is further ordered that Respondent Grant shall pay a civil penalty of \$16,000.

It is further ordered that collection of \$8,000 of the civil penalty assessed herein is hereby suspended pending Respondent Grant's continued cooperation with ongoing investigations.

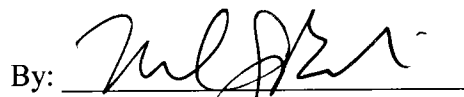
If, after the conclusion of the investigations docketed under Commission File Numbers 2018-050 and 2018-051, the Commission determines that Respondent Grant has abided by his agreement to cooperate with these investigations, the Commission shall, by operation of this agreement, and without the need for another vote of the Commission, reduce Respondent's civil penalty for this matter to \$8,000.

The Respondent:

By: 
Andrew Robert Grant
c/o Ross H. Garber
The Garber Group LLC
100 Pearl St.
14th Floor
Hartford, CT 06103

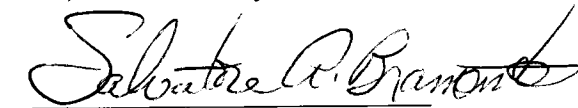
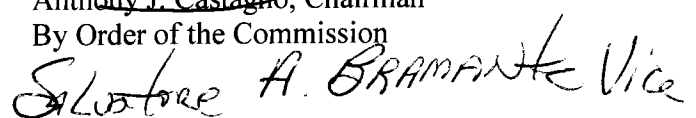
Dated: 10/25/18

For the State of Connecticut:

By: 
Michael J. Brandi
Executive Director and General Counsel and
Authorized Representative of the
State Elections Enforcement Commission
20 Trinity St.
Hartford, CT 06106

Dated: 11/2/18

Adopted this 14th day of November, 2018 at Hartford, Connecticut by vote of the Commission.


Anthony J. Castagno, Chairman
By Order of the Commission
 Vice