

JAN 10 2011

ENFORCEMENT  
COMMISSION

STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION

Hand delivered  
4:55 pm

Complaint of Jonathon Pelto  
Storrs

File No. 2009-104

**AGREEMENT CONTAINING CONSENT ORDER AND PAYMENT OF CIVIL  
PENALTY FOR VIOLATION OF CONNECTICUT GENERAL STATUTES § 9-622**

This agreement by and between Kenneth Dautrich, Ph.D., of the Town of Mansfield, County of Tolland, 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 works as an associate professor in the Department of Public Policy at the University of Connecticut. Respondent has also consulted with the administration of Gov. M. Jodi Rell in an advisory capacity. As a result of that relationship, Respondent brokered an agreement between the University of Connecticut and the Office of Policy and Management in the governor's office, the terms of which were memorialized in a formal agreement executed July 17, 2008. The memorandum of understanding ("MOU") had a term of 26 months and was valued at \$223,000.
2. Under that MOU, Respondent served as the principal investigator on a comprehensive state agency performance review project designed to identify areas where state government could realize savings and develop tactics to deliver services more efficiently and cost effectively. The MOU specified that in addition to Respondent, two graduate students would also be assigned to the project. Respondent's work under the MOU was non-partisan, focused on reviewing agency performance in many areas of state government to isolate areas for improvement.
3. On August 7, 2008, M. Jodi Rell registered an exploratory committee, *Jodi Rell, Governor*, with the State Elections Enforcement Commission. She named Thomas J. Fillomeno as campaign treasurer and appointed Brian R. Farnen as deputy campaign treasurer. According to the registration documents, the exploratory committee was established to consider a run for any statewide office, excluding state treasurer.
4. In April 2009, Respondent communicated with Lisa Moody, the governor's chief of staff, about performing a 500-person telephone poll. Respondent had previously asked Moody for authority to conduct a poll, which is Respondent's primary area of research and expertise. In early April 2009, Moody informed Respondent that the governor had authorized development of a poll.

5. The two graduate students assigned to the MOU-funded project also worked with Respondent to develop the poll questions and to find a firm that could make the calls to complete the data-gathering portion of the polling work on behalf of the Rell campaign.
6. In a series of electronic messages between Respondent and Moody, the two discussed whether the polling should be paid for using "UCONN funds" – through the state agency review project MOU – or using a "private" source. On April 8, 2009, Moody informed Respondent that the poll should be paid for with "private" sources. Moody authorized Respondent to spend \$6,000 on the poll. Respondent told Moody that this \$6,000 reflected the costs associated with paying a company to make the telephone calls to collect the poll data.
7. The two graduate students<sup>1</sup> who helped Respondent with the state agency review project paid for through the MOU funds also worked on the poll from its inception until it was completed in April 2009. The students included the time they worked on the poll in the graduate assistantship reports that they completed and submitted to the university to justify their work as graduate assistants.
8. The graduate students assisted Respondent with drafting questions for the poll, securing the services of Braun Research, Inc., to conduct the phone polling, and breaking down the raw data that came from the research firm. According to the students' reports, one spent a total of 10 hours working on the poll, while the second recorded 28 hours devoted to the polling project.
9. The University of Connecticut valued the work that the graduate students performed at \$2,582.52. This sum represents a portion of the students' graduate assistantships but does not reflect an hourly rate, since the students were not paid as hourly employees.
10. As the principal investigator on the state agency review project authorized under the MOU, Respondent was responsible for ensuring that the students' time was allocated properly and paid through the proper funding mechanisms. Respondent certified that the students' time reports were accurate when assigned to the MOU fund. The students were paid for their graduate assistantships through the MOU grant.
11. General Statutes § 9-622 (5) specifies that among those guilty of an "illegal practice" will be:

**Any person who, directly or indirectly, pays, gives, contributes or promises any money or other valuable thing to defray or towards defraying the cost or expenses of any campaign, primary, referendum or election to any person, committee, company, club,**

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<sup>1</sup> The Family Education Rights and Privacy Act of 1974 ("FERPA"), 20 U.S.C. § 1232g limits the release of information about students. The two graduate students involved in this case will remain unidentified to comply with FERPA.

**organization or association, other than to a campaign treasurer,** except that this subdivision shall not apply to any expenses for postage, telegrams, telephoning, stationery, express charges, traveling, meals, lodging or photocopying incurred by any candidate for office or for nomination to office, so far as may be permitted under the provisions of this chapter;

12. Respondent was in a unique position to offset the full cost of the polling effort to the Rell campaign by using the graduate students to perform some of the work that normally would have been provided by a professional polling firm and paid for by the campaign. While Respondent and the graduate students recall having a conversation about the need for the students to volunteer any time they spent working on the Rell poll, the students submitted that time as part of their graduate assistantships and Respondent, as the principal investigator, authorized payment to the students through the funds provided to the UCONN through the MOU with the governor's office for the state agency review project.
13. Respondent indirectly provided something of value – the students' labor – to the Rell exploratory committee, thereby defraying the cost of their labor from the Rell exploratory committee without informing the campaign treasurer of the defrayal.
14. The Commission finds that Respondent defrayed costs for the polling effort that would have been borne by the *Jodi Rell, Governor* exploratory committee without notifying the committee's campaign treasurer that he was taking such actions. Respondent violated General Statutes § 9-622 (5) by defraying the labor costs associated with the work of the two graduate students from the Rell exploratory committee.
15. Commission has agreed to accept from the Respondent a civil penalty of two thousand dollars (\$2,000) representing a penalty of \$1,000 for each graduate student whose labor costs Respondent defrayed on behalf of the committee.
16. 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 Section 9-7b-56 of the Regulations of Connecticut State Agencies.
17. 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.
18. The parties acknowledge that this agreement and resulting consent order is a compromise of a disputed claim and that its entry shall not constitute an admission of any kind by either party and that it is not intended to be used by any other agency or entity as proof of any of the matters asserted herein.

19. 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.

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

**ORDER**

IT IS HEREBY ORDERED that the Respondent shall pay a civil penalty to the State of Connecticut in the sum of two thousand dollars (\$2,000) on or before December 10, 2010.

**For The Respondent:  
Commission:**

  
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Kenneth Dautrich, Ph.D.  
Mansfield, Connecticut

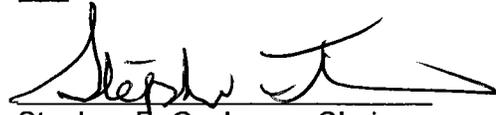
**For the State Elections Enforcement**

BY:   
\_\_\_\_\_  
Shannon Kief, Esq.  
Legal Program Director  
& Authorized Representative of the  
State Elections Enforcement Commission  
20 Trinity St., Suite 101  
Hartford, CT

Dated: 1-10-2011

Dated: Jan. 11, 2011

Adopted this 1-26<sup>th</sup> day of Jan of 2011 at Hartford, Connecticut

  
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Stephen F. Cashman, Chairman  
By Order of the Commission