

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

In the Matter of a Complaint by

File No. 2009-132

Vincent M. Marino, Esq., Orange

**FINDINGS AND CONCLUSIONS**

Complainant Vincent M. Marino, Esq. brings this complaint pursuant to § 9-7b, General Statutes of Connecticut, alleging that Mr. Stew Leonard, through his company “Stew Leonard’s,” made impermissible contributions to a municipal candidate committee prior to the November 3, 2009 election in the Town of Orange in violation of Campaign Finance Law. Specifically, Complainant alleges that Mr. Leonard and Stew Leonard’s hosted a fundraiser and otherwise supported Patricia M. Pearson’s campaign for Orange First Selectman.

After the investigation of the Complainant’s complaint, the Commission makes the following findings and conclusions:

1. Stew Leonard’s Orange LLC (hereinafter “SLO”) and Stew Leonard’s Catering (hereinafter “SLC”), are affiliated entities that are part of the grocery and dairy store chain known as “Stew Leonard’s,” that has its corporate headquarters in Norwalk, Connecticut.
2. On January 8, 2009, Ms. Patricia M. Pearson established the candidate committee “Trish ’09,” for the office of First Selectman at the November 3, 2009 election in the Town of Orange. Ms. Pearson designated Mr. Edward A. Martin as treasurer of Trish ’09.

3. The *New Haven Register* on October 13, 2009, quoted Mr. Stew Leonard as hosting a fundraiser for Ms. Pearson, and reported his appreciation of Ms. Pearson's efforts of assisting Mr. Leonard in opening a store on property he owns in the Town of Orange. Further, the aforementioned article indicated that the same property would be the site of a fundraiser for Ms. Pearson "dubbed 'A Taste of Stew's in Orange.'" The article reported that costumed characters from Stew Leonard's would also be present at the fundraiser.
4. On October 25, 2009 Trish '09 held a fundraiser. Trish '09 hired SLC to cater the event. The fundraiser included food and drinks and was held on property in the Town of Orange owned by SLO.
5. A flyer disseminated by Trish '09 pertaining to the fundraiser described in paragraph 5 above included references to Stew Leonard, Jr., and Stew Leonard's Costumed Characters, food, and Stew Leonard's property on Marsh Hill Road in Orange. The flyer included the attribution: "*Paid for by Trish '09, Ned Martin, Treasurer.*"
6. The Complainant alleged that Mr. Leonard's endorsement and support of Ms. Pearson's campaign, as owner of Stew Leonard's, which included the use of his business good will, business name, its image and its characters, was an improper contribution to a candidate committee from a business entity.
7. General Statutes § 9-613, provides in pertinent part:

*(a) No business entity shall make any contributions or expenditures to, or for the benefit of, any candidate's campaign for election to any public office or position subject to this chapter or for nomination at a primary for any such office or position, or to promote the defeat of any candidate for any such office or position. No business entity shall make any other contributions or expenditures to promote the success or defeat of any political party, except as provided in subsection (b) of this section. No business entity shall establish more than one political committee. A political committee shall be deemed to have been established by a*

business entity if the initial disbursement or contribution to the committee is made under subsection (b) of this section or by an officer, director, owner, limited or general partner or holder of stock constituting five per cent or more of the total outstanding stock of any class of the business entity.

...

[Emphasis added.]

8. General Statutes § 9-601b, provides in pertinent part:

...

(b) The term "expenditure" does not mean:

...

(5) *Any news story*, commentary or editorial *distributed through the facilities of any* broadcasting station, *newspaper*, magazine or other periodical, unless such facilities are owned or controlled by any political party, committee or candidate; . . .

[Emphasis supplied.]

9. Upon investigation, the Commission finds that Trish '09 paid SLC for catering services for the October 25, 2009 fundraiser. The Commission further finds that Trish '09 was billed by SLO for use of its property for the fundraiser, and paid a permit fee to the Town of Orange for the use of the SLO property for a fundraiser. Finally, the Commission finds that Trish '09 paid two additional vendors for preparation of the site for a fundraiser and for tents and other equipment used for the October 25, 2009 event.
10. The Commission concludes that the provision of catering services by SLC, as detailed in paragraph 9 above, that was paid for by Trish '09 was not a prohibited business entity contribution pursuant to § 9-613. The Commission therefore dismisses this allegation.
11. The Commission finds that the flyer promoting the event, as described in paragraph 5 above, included references to Stew Leonard, Jr., and Stew Leonard's Costumed Characters, food, and Stew Leonard's property on Marsh Hill Road in Orange where the October 25, 2009 event was held.
12. The Commission further finds that the promotional flyer referenced in paragraphs 5 and 11 above had the campaign letter head of Trish '09 and included the attribution "*Paid for by Trish '09, Ned Martin, Treasurer,*" as required by General Statutes § 9-621 (a). Moreover the flyer solicited a \$5 contribution for participating in the October 25, 2009 event and specifically urged "Support for Trish Pearson for First Selectman."
13. The Commission finds, on balance, that while Stew Leonard and his business and its goods were prominently featured in the promotional flyer for the October 25, 2009 fundraiser discussed herein, it is nevertheless clear from the flyer that the event was primarily a fundraiser by Trish '09 soliciting contributions for Ms. Pearson's campaign for First Selectman.
14. Additionally, under these circumstances, the Commission concludes that the arms length agreement between Trish '09 and SLO/SLC to feature Stew Leonard's and its products as an inducement for individuals to participate in a fundraiser for a candidate committee, does not *per se* make it a prohibited business entity contribution by the business so hired pursuant to § 9-613.

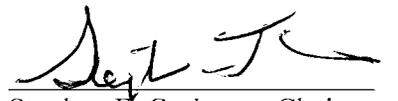
15. The Commission notes, consistent with its prior decision in *Complaint of Michael Gengler and Victor Harpley*, File No. 2009-125, that expenditures by candidate committees should not be used to promote business entities, because campaign funds are to be used exclusively to promote the candidate. *See* General Statutes § 9-607 (g). The Commission therefore strongly recommends that Ms. Pearson and Mr. Martin exercise caution in any future campaigns in which they are involved and clearly avoid the appearance of such impropriety in any future campaign.
  
16. Finally, the Commission finds that the *New Haven Register* article of October 13, 2009 described in paragraph 3 above is exempted from the definition of “expenditure” pursuant to General Statutes § 9-601b (b) (5), as a news story distributed by a newspaper. The Commission therefore concludes that Stew Leonard and SLO did not make a prohibited business entity expenditure pursuant to General Statutes § 9-613 by being featured in a news story as supporting Ms. Pearson ‘s candidacy. The Commission therefore dismisses this allegation.
  
17. For the reasons detailed herein, the Commission dismisses Complainant’s allegations regarding Stew Leonard, SLO and Trish ‘09, relating to the October 13, 2009 New Haven Register article and October 25, 2009 fundraiser for Patricia Pearson’s campaign for First Selectman at SLO’s property in the Town of Orange.

**ORDER**

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

That the matter be dismissed.

Adopted this 24<sup>th</sup> day of August 2011 at Hartford, Connecticut

A handwritten signature in black ink, appearing to read "Steph F. Cashman", written over a horizontal line.

Stephen F. Cashman, Chairman  
By Order of the Commission