

AUG 29 2014

STATE OF CONNECTICUT ENFORCEMENT COMMISSION  
STATE ELECTIONS ENFORCEMENT COMMISSION

Commission Initiated Investigation.  
Of Contributions by Brian Lippey, Greenwich

File No. 2014-081

AGREEMENT CONTAINING CONSENT ORDER

This agreement by and between Brian Lippey, of the Town of Greenwich, County of Fairfield, State of Connecticut, hereinafter referred to as "Respondent," and the authorized representative of the State Elections Enforcement Commission, is entered into in accordance with Connecticut General Statutes § 4-177 (c) and section 9-7b-54 of the Regulations of Connecticut State Agencies. In accordance herewith, the parties agree that:

1. The Commission initiated an investigation into whether Respondent violated provisions of the campaign finance laws based on making various potentially prohibited contributions to *Foley for CT* (hereinafter "Committee") a candidate committee formed by Thomas C. Foley to finance his campaign for Governor in the 2014 election.
2. Specifically, during the Commission Audit Validation of the Committee pertaining to its participation in the Citizen's Election Program ("CEP") and based on the audit validation findings for that committee pertaining thereto, it was determined that certain contributions attributed to Respondent and various family members may have been made by Respondent using a single credit card and included false information related to residential addresses and contributor information.
3. There is no indication or evidence that the Committee had involvement or knowledge of Respondent's activity. The Committee has cooperated fully. Further, there is no evidence that Respondent solicited any contributions or sponsored any fundraisers on behalf of or as an agent of the Committee beyond what is alleged.
4. General Statutes § 9-622 provides, in pertinent part, the following persons shall be guilty of illegal practices:

...

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

[Emphasis added.]

5. General Statutes § 9-7b, provides in pertinent part:
  - (a) The State Elections Enforcement Commission shall have the following duties and powers: ...
6. (2) To levy a civil penalty not to exceed ... (D) 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. ...
7. The Commission finds that Commission Audit staff in the process of vetting the Committee's CEP application materials and documentation identified eight contributions that appeared to be made with the same credit card under the name of Respondent at 124 Havemeyer Place, Greenwich:
  - (1) Family member, \$100.00, May 15, 2014;
  - (2) Extended family member, \$100.00, May 15, 2014;
  - (3) Extended family member, \$100.00, May 15, 2014;
  - (4) Extended family member, \$100.00, June 16, 2014;
  - (5) Extended family member, \$100.00, June 16, 2014;
  - (6) Extended family member, \$100.00, June 16, 2014;
  - (7) Extended family member, \$100.00, June 16, 2014;
  - (8) Family member, \$100.00, June 16, 2014.
8. The Commission finds upon investigation that the Respondent represented the contributions in paragraph 6 above as being from family members when Respondent himself made the contributions using his own credit card. Further, the Commission finds that certain of the individuals whose names were used in connection with the above contributions by Respondent were family and extended family of Respondent and were not aware that the contributions were being made in their names.
9. Additionally, the Commission, upon investigation, finds that that Respondent does reside at 124 Havemeyer, but that several of the purported donors identified above reside out of state, despite the fact that their addresses were identified as 124 Havemeyer in Greenwich, CT.
10. The respondent neither admits nor denies these findings. The parties agree that there is no evidence that Respondent intended to violate the campaign finance laws, however the Commission nevertheless finds that the facts still support the conclusion that violations of Sec. 9-622 (7) occurred.
11. Based on the aforementioned evidence, as detailed in paragraphs 5 through 8 above, the Commission concludes that Respondent, by making eight contributions to the Committee in the name of other individuals, violated General Statutes § 9-622 (7) in each instance.

12. Finally, the Commission notes that the Foley Committee at the time of this complaint and investigation disgorged the eight contributions that were made by Respondent in the names of others as detailed herein to the Citizens' Election Fund.
13. Section 9-7b-48 of the Regulations of Connecticut State Agencies provides that the Commission may consider mitigating or aggravating circumstances when determining whether to impose a civil penalty. The Commission may consider:
  1. *the gravity of the act* or omission;
  2. *the amount necessary to insure immediate and continued compliance;*
  3. the previous history of similar acts or omissions; and,
  4. whether the person shown good faith in attempting to comply with the applicable provisions of the General Statutes.  
[Emphasis added.]
14. The Commission finds that Respondent's conduct in this instance was aggravating in that there were eight violations that entailed giving in the name of another and, in some of these instances, involved providing incorrect addresses to the Committee for his family and extended family members.
15. The Commission views the assessment of a civil penalty of one thousand dollars five hundred dollars (\$1,500.00) *per* violation totaling twelve thousand dollars (\$12,000.00) under these circumstances as a meaningful deterrent to Respondent and others regarding the seriousness with which the Commission will judge and treat violations concerning the giving contributions in the name of another pursuant to General Statutes § 9-622 (7).
16. Notwithstanding the seriousness with which the Commission regards Respondent's conduct and violations in this matter, the Commission nevertheless declines to exercise its authority pursuant to General Statutes § 9-7b (8) to refer this matter to the Chief State's Attorney because the Respondent has worked cooperatively with the Commission in this investigation and has shown a committed interest to resolve this matter through conciliation.
17. 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.

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 Respondent and may not be used as an admission in any subsequent hearing, if the same becomes necessary.

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 the Respondent pertaining to this matter.

**ORDER**

IT IS HEREBY ORDERED that henceforth the Respondent shall strictly comply General Statutes § 9-622 (7).

IT IS HEREBY FURTHER ORDERED that Respondent shall pay a civil penalty of twelve thousand dollars (\$12,000.00) on or before September 3, 2014.

The Respondent:

By: 

Brian Lippey  
124 Havemeyer Lane  
Greenwich, Connecticut

For the State Elections Enforcement Commission:

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

Adopted this \_\_\_\_ day of \_\_\_\_\_ of 2014 at Hartford, Connecticut.

\_\_\_\_\_  
Anthony J. Castagno, Chairman  
By Order of the Commission

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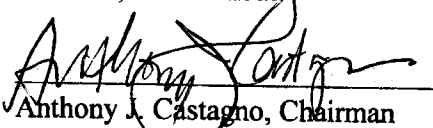
Brian Lippey  
124 Havemeyer Lane  
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For the State Elections Enforcement Commission:

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

Adopted this 5 day of Sept of 2014 at Hartford, Connecticut.

  
Anthony J. Castagno, Chairman  
By Order of the Commission