

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

In the Matter of a Complaint by Joseph Romano, Jr.  
City of Hartford

File No. 2015-149

**FINDINGS AND CONCLUSIONS**

Complainant Joseph Romano, Jr., brought this complaint pursuant to General Statutes § 9-7b, alleging that N. Warren “Pete” Hess (“Respondent”) had used assets from his law firm to promote his candidacy in the 2015 municipal election in Naugatuck. After investigating the allegations in the complaint, the Commission makes the following findings of fact and conclusions of law:

1. Complainant alleged that Respondent Hess violated Connecticut’s campaign finance statutes when his eponymous law office sponsored bingo at the Naugatuck Senior Center two weeks before the November 2015 municipal elections.<sup>1</sup> Hess was the Democratic Party’s candidate for the mayor in Naugatuck.<sup>2</sup>
2. According to the complaint, Hess’s law firm, “Law Offices of N. Warren Hess,” supplied approximately \$185 in gift cards to several businesses for distribution to winners at the bingo event held on October 23, 2015.<sup>3</sup> Complainant alleged that the Hess candidate committee, *Hess for Naugatuck 2015*, had received an impermissible contribution from Hess’s law firm when the firm bought gift cards and snacks for distribution at the event, violating General Statutes §§ 9-613 and 9-615. In addition, complainant alleged that the distribution of these gift cards had violated General Statutes § 9-622 (1) in that it represented “consideration” to influence these individuals to vote for Hess.
3. General Statutes § 9-601a defines a contribution as “[a]ny gift, subscription, loan, advance, payment or deposit of money or anything of value, *made to promote the success or defeat of any candidate* seeking the nomination for election, or election or for the purpose of aiding

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<sup>1</sup> See Affidavit of Complaint – Joseph Romano, Jr., Hartford (State Elections Enforcement Comm’n, Rec’d Oct. 28, 2015) (stating allegations against Hess for business expenditures at senior citizens’ bingo event).

<sup>2</sup> See ED- 606: Head Moderator’s Report for Naugatuck (Nov. 3, 2015) (reflecting election results in Naugatuck mayoral race between Hess and GOP candidate Tamath K. Rossi) (found at <http://www.sots.ct.gov/sots/lib/sots/electionservices/electionresults/2015/nov/naugatuck.pdf>) (retrieved April 6, 2017)

<sup>3</sup> See Affidavit of Complaint, *supra* note 1.

or promoting the success or defeat of any referendum question or the success or defeat of any political party . . . .”<sup>4</sup>

4. In this case, the October 23 bingo event, which occurs each Friday after lunch at the Naugatuck Senior Center, was touted as being hosted by the Law Offices of N. Warren Hess and as an opportunity for seniors to “[j]oin your for friends for this afternoon Bingo.” While the event was not announced as a campaign event, it could actually become promotional of a candidate or candidates even if it were initially planned as a non-partisan, non-promotional gathering.
5. In prior cases, the Commission has relied upon a rubric to determine if an event were actually a “campaign event” promoting candidates.<sup>5</sup> The indicia considered to evaluate these events includes:
  - 1) Whether the invitations for the event tout the candidate’s presence and/or the chance to hear [the candidate’s] message;
  - 2) Whether the media was alerted as to the candidate’s presence at the event;
  - 3) Whether the candidate notified . . . supporters that [the candidate] would be present at the event;
  - 4) Whether the candidate is distributing . . . campaign literature at the event or in connection with the event;
  - 5) Whether the candidate is fundraising at the event;
  - 6) The extent to which the event targets the voters or in-district donors of the candidate; and
  - 7) The extent to which the candidate is speaking at the event regarding [the candidate’s] campaign.<sup>6</sup>
6. According to the information supplied by the complainant and respondent, the bingo event was neither planned as a campaign event nor did it become one. While the candidate did

<sup>4</sup> General Statutes § 9-601a (a) (1) (emphasis added) (defining “contribution” under Connecticut’s campaign finance regime).

<sup>5</sup> See Findings & Conclusions – In the Matter of a Complaint by Nancy J. DiNardo, Hartford, SEEC File No. 2012-152 (State Elections Enforcement Comm’n., April 17, 2013) (adopting indicia first outlined in SEEC Advisory Opinion 2010-08 to determine whether event qualifies as “campaign event” promoting candidates).

<sup>6</sup> *Id.* at paragraph 28.

attend the event, he was there to call bingo not to promote his campaign. There was no evidence that the candidate solicited contributions for his campaign, that he encouraged people to vote for him or his supporters to attend the event, or that he promoted his candidacy at the event by speaking about his candidacy or distributing campaign literature.

7. Given the lack of proof that the event in question was an event that promoted Hess's candidacy, the costs associated with his law firm's purchase of gift cards and food to distribute at the event cannot be deemed a contribution to the candidate committee.
8. The second allegation lodged in the complaint – that the Hess law firm had engaged in “vote buying” by distributing gift cards in exchange for votes – has traditionally been taken very seriously by this Commission.
9. General Statutes § 9-622 (1) includes within its prohibition against illegal practices:

Any person who, directly or indirectly, individually or by another person, gives or offers or promises to any person any money, gift, advantage, preferment, entertainment, aid, emolument or other valuable thing for the purpose of inducing or procuring any person to sign a nominating, primary or referendum petition or to vote or refrain from voting for or against any person or for or against any measure at any election, caucus, convention, primary or referendum . . .<sup>7</sup>

10. The Commission has strictly construed this statutory provision in the past. “In order to prove a violation of [§ 9-622 (1)] required evidence of a *quid pro quo* between the person promising the benefit and the voter. . . . Generally to prove a violation . . . there must be ~~evidence of a private agreement between the candidate and the voter.~~”<sup>8</sup>
11. The complainant here offered no evidence of any private agreement between the candidate and the individuals who received the gift cards; the Commission's own investigation did not find any evidence to support those allegations.

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<sup>7</sup> General Statutes § 9-622 (1) (laying out actions included within definition of “illegal practices”).

<sup>8</sup> Complaint of Paul Danzer (SEEC File No. 2001-207).

12. Because there is no proof a *quid pro quo* arrangement between the candidate and voters to support him in exchange for the gift cards, the allegations regarding General Statutes § 9-622 (1) are unfounded.

**ORDER**

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

That the Complaint be dismissed.

Adopted this 19<sup>th</sup> day of April of 2017 at Hartford, Connecticut.



Anthony J. Castagno, Chairman  
By Order of the Commission