

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Commission Initiated Investigation

File No. 2018-051C

AGREEMENT CONTAINING A CONSENT ORDER

The parties, Jason Perillo (“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 In accordance with those provisions, the parties agree that:²

ALLEGATION

1. It is alleged that Respondent Jason Perillo, through the independent expenditure only political committee *FixCT, Inc.*, made disallowed contributions to the *Steve Obsitnik for Connecticut* candidate committee.

RELEVANT LAW

1. General Statutes § 9-601b (a) defines the term “expenditure” as:

(1) Any purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value, when made to promote the success or defeat of any candidate seeking the nomination for election, or election, of any person or for the purpose of aiding or promoting the success or defeat of any referendum question or the success or defeat of any political party;

(2) Any communication that (A) refers to one or more clearly identified candidates, and (B) is broadcast by radio, television, other than on a public access channel, or by satellite communication or via the Internet, or as a paid-for telephone communication, or appears in a newspaper, magazine or on a billboard, or is sent by mail; or

(3) The transfer of funds by a committee to another committee.

2. General Statutes § 9-601c (a) provides:

(a) As used in this chapter and chapter 157, the term “independent expenditure” means an expenditure, as defined in section 9-601b, that is made without the consent, coordination, or consultation of, a candidate or agent of the candidate, candidate committee, political committee or party committee.

¹ Allegations concerning respondents to this matter not named herein shall be addressed in a separate document.

² The factual assertions and legal conclusions contained in this document are binding only on the signatories hereto.

3. General Statutes § 9-601c (b) (3) provides that there is a rebuttable presumption that an expenditure is not an independent expenditure when:³

An expenditure made by a person based on information about a candidate's, political committee's, or party committee's plans, projects or needs, provided by (A) a candidate, candidate committee, political committee or party committee, or (B) a consultant or other agent acting on behalf of a candidate, candidate committee, political committee or party committee, with the intent that such expenditure be made;

4. Pursuant to General Statutes § 9-601d, "Any person, as defined in section 9-601, may, unless otherwise restricted or prohibited by law, . . . make unlimited independent expenditures as defined in said section 9-601."
5. General Statutes § 9-601a (a) (4) defines the word "contribution" to mean, among other things, "An expenditure that is not an independent expenditure[.]"
6. General Statutes § 9-601e further provides that:

If the State Elections Enforcement Commission finds that an expenditure, as defined in section 9-601b, is coordinated with a candidate committee or candidate or an agent of the candidate, in a manner not permissible under the provisions of this chapter, the candidate, agent of the candidate, if applicable, or treasurer of such committee who participated in or had knowledge of such coordination, shall be jointly and severally liable for paying any penalty levied by the commission under section 9-7b.

7. General Statutes § 9-618 (b) limits the contributions an ongoing political committee may make to a candidate committee and states:

(b) No political committee organized for ongoing political purposes, except a legislative caucus committee or legislative leadership committee, shall make a contribution or contributions to, for the benefit of, or pursuant to the authorization or request of, a candidate or a committee supporting or opposing any candidate's campaign for nomination at a primary, or any candidate's campaign for election, to the office of: (1) Governor, in excess of five thousand dollars; (2) Lieutenant Governor, Secretary of the State, Treasurer, Comptroller or Attorney General, in excess of three thousand dollars; (3) chief executive officer of a town, city or borough, in excess of one thousand five hundred dollars; (4) state senator or probate judge, in excess of one thousand five hundred dollars; (5) state representative, in excess of seven hundred fifty dollars; or (6) any other office of a municipality not previously included in this subsection, in excess of three hundred seventy-five dollars. The limits imposed by this subsection shall apply separately to primaries and elections.

8. General Statutes § 9-622 (10) provides that the following people shall be guilty of an illegal practice: "Any person who solicits, makes or receives a contribution that is otherwise prohibited by any provision of this chapter[.]"

³ The reference to the rebuttable presumption in General Statutes § 9-601c (b) (3) does not exclude the possibility that other rebuttable presumptions detailed in General Statutes § 9-601c (b) may also apply to the conduct detailed in the Agreement.

STATEMENT OF ALLEGED FACTS

Relevant Committee Background

9. On or about January 13, 2017, the *Steve Obsitnik for Connecticut* exploratory committee was registered with Commission.
10. On or about October 1, 2017, Stephen Obsitnik registered the *Steve Obsitnik for Governor* candidate committee with the Commission.
11. On or about April 20, 2018, *FixCT, Inc.* was registered with the Commission as an ongoing independent expenditure only political committee.
12. During the course of its existence, *FixCT, Inc.* raised and expended \$170,000.
13. During the course of its existence, *FixCT, Inc.* reported that it made \$86,622.46 in independent expenditures to benefit Stephen Obsitnik's candidacy for Governor.

Respondent's Contacts with Stephen Obsitnik and the Obsitnik Campaign

14. Between January 24, 2017 and December 13, 2017 Respondent exchanged at least 35 emails with Stephen Obsitnik, representatives of *Stephen Obsitnik for Connecticut*, and/or representatives of *Stephen Obsitnik for Connecticut*.
15. On or about April 18, 2017, Respondent attended a meeting with Stephen Obsitnik and his campaign advisors concerning Stephen Obsitnik's campaign for Governor of Connecticut.
16. On or about April 18, 2017, a paid consultant of *Steve Obsitnik for Connecticut* emailed Respondent and another individual associated with *Steve Obsitnik for Connecticut* listing a number of potential campaign slogans which stated in part, "FixCT: the more I hear this the more I like it. Need to test it in your speeches, get a feel how this sounds as you use it."
17. On or about December 4, 2017, Stephen Obsitnik emailed Respondent and another individual images of his proposed campaign vehicle with the text "You guys happy now?"
18. On or about December 13, 2017, a paid consultant of *Stephen Obsitnik for Governor* emailed Stephen Obsitnik, Respondent, and another individual stating, "Does Wednesday afternoon work for everyone to do a call cover convention, digital, overall strategy? Email on this chain days/times that work next week."
19. On or about December 13, 2017, Stephen Obsitnik, Respondent, and a paid consultant of *Steve Obsitnik for Connecticut* participated in a telephone conference concerning Stephen Obsitnik's gubernatorial campaign.

20. On or about December 13, 2017, Respondent emailed Stephen Obsitnik, "You know I'm happy to help! Hope you didn't mind the pushback on the call but I don't want to see your digital suffer because someone either doesn't have the time or the knowledge needed."
21. On or about March 27, 2018 Stephen Obsitnik informed an associate that Respondent was going to be involved with an independent expenditure group supporting his campaign.
22. On or about May 9, 2018 Respondent emailed an individual who was an advisor to the Obsitnik campaign stating, "Can you get Kevin to run something on this?? There's a PAC. There's a poll. There's a video. SO is the best candidate in November." That email contained the body of an email published by *FixCT, Inc.* promoting Stephen Obsitnik. The individual never responded to that email.
23. On or about June 1, 2018, two relatives of Respondent each made \$100 contributions to *Steve Obsitnik for Governor*.
24. On or about June 1, 2018, Stephen Obsitnik sent an email to Respondent stating, "I do appreciate it. Play...fight...win."
25. On or about June 11, 2018 Respondent and the individual who was an advisor of *Steve Obsitnik for Connecticut* and a friend of Respondent attended a Republican gubernatorial primary debate in New Haven together.

Respondent's Contacts with FixCT, Inc.

26. On or about December of 2017, Respondent had a discussion with the eventual chairperson of *FixCT, Inc.* about forming a political committee to support Stephen Obsitnik.
27. Respondent was involved in the selection of the name for *FixCT, Inc.*
28. From its formation through its termination, Respondent was a volunteer advisor for *FixCT, Inc.*
29. Respondent coordinated with the digital vendor to design the digital ads for *FixCT, Inc.*
30. Respondent drafted all of the communications promoting Stephen Obsitnik that were published by *FixCT, Inc.*
31. Respondent was the point of contact for a polling vendor on behalf of *FixCT, Inc.*
32. On or about April 24, 2018, Respondent emailed a vendor of *FixCT, Inc.* stating, "I'm handling the spend side for the committee."
33. At all times during *FixCT, Inc.*'s existence Respondent was involved with the decision to incur and/or strategy of every expenditure *FixCT, Inc.* made that was reported to the

Commission as supporting and/or promoting Stephen Obsitnik's campaign for Governor of Connecticut.

DISCUSSION

34. As detailed above, the Commission alleges that Respondent was a close advisor of Stephen Obsitnik throughout 2017. The Commission further alleges that Respondent obtained significant information concerning the plans, projects, and needs of Steve Obsitnik and his campaign for Governor of Connecticut.
35. The Commission alleges that Respondent, through the independent expenditure only political committee, *FixCT, Inc.*, made expenditures to benefit Steven Obsitnik's gubernatorial campaign.
36. The Commission alleges that the expenditures made by *FixCT, Inc.* to benefit Steven Obsitnik's gubernatorial campaign were not independent, but instead were impermissible contributions to the *Steve Obsitnik for Connecticut* candidate committee.
37. The Commission notes that Respondent was cooperative and responsive with regard to this investigation.

TERMS OF GENERAL APPLICATION

38. Respondent neither admits nor denies the factual allegations contained herein.
39. While Respondent does not admit that he committed a violation, Respondent asserts that if he did violate Connecticut's election law, it was unintentional. However, Respondent enters into this agreement containing a consent order in order to avoid the cost of further protracted litigation.
40. Respondents 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.
41. 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.
42. Upon Respondent's agreement to comply with the Order hereinafter stated, the Commission shall not initiate any further proceedings against Respondent in connection with this matter, their actions as alleged herein, or their actions by, through, on behalf of or in connection with *FixCT, Inc.*, *Steve Obsitnik for Governor*, *Steve Obsitnik for Connecticut*, *Stephen Obsitnik*.

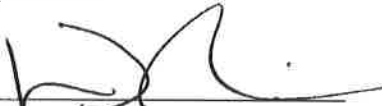
43. It is understood and agreed by the Parties to this Agreement that the Commission will consider this Agreement at its next available meeting and, if the Commission rejects it, the Agreement will be withdrawn and may not be used as an admission by the Parties in any subsequent hearing, proceeding or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

ORDER

It is hereby ordered that Respondent Jason Perillo shall henceforth comply with General Statutes §§ 9-618 and 9-622.

It is further ordered that Respondent Jason Perillo shall pay a civil penalty of \$10,000.


Respondent:

By: 
Jason Perillo

Berchem Moses
75 Broad Street
Milford, CT 06460
Attorneys for Jason Perillo


Dated: 3/12/2021

For the State of Connecticut:

By: 
Michael J. Brandi
Executive Director and General Counsel
and Authorized Representative of the
State Elections Enforcement Commission
55 Farmington Ave., 8th Floor
Hartford, Connecticut 06105

Dated: 3/16/2021

Adopted this 17th day of March, 2021 at Hartford, Connecticut by vote of the Commission.


Stephen T. Phares
Chairman
By Order of the Commission