

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

In the Matter of a Complaint by Louis N. George (Self-Report),  
Simsbury

File No. 2019-104

**AGREEMENT CONTAINING CONSENT ORDER**

This agreement by and between Joseph Citino of the Town of South Windsor, County of Hartford, State of Connecticut (hereinafter "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. The Complaint was self-reported by Attorney Louis N. George., on behalf of Respondent.
2. Respondent, at all times relevant to this complaint, was the owner of Residences on Wyllys, LLC (hereinafter "Company"). The self-reported potential violation was described as follows:

*Please be advised that this office represents the interest of Joseph Citino, the owner of Residences on Wyllys, LLC. We submit this letter in an effort to self-report a possible violation of Connecticut General Statutes section 9-612. In 2018 during the election campaign, Mr. Citino contributed \$100 to the campaign of Shawn Wooden. At the time of this contribution Mr. Citino, on behalf of his company, had applied for a loan with the Capital Region Development Authority ("CRDA"). The project involves a loan in the amount of \$800,000 to help finance the development of nine rental units on Wyllys Street in Hartford Connecticut.*

3. By way of background, the Company is a general contractor that is developing rental properties in the City of Hartford on Wyllys Street. CRDA has approved a loan in the amount of \$800,000 for that purpose.
4. There is no dispute that the Company is a "state contractor" pursuant to General Statutes § 9-612 and that CRDA is a "quasi-public agency" according to that section. The Respondent has learned, through this process, that Respondent as owner of the Company is a principal of a state contractor pursuant to § 9-612 and is therefore subject to the state contractor contribution ban for purposes of that section.

5. General Statutes § 9-612, provides in pertinent part:

(f) (2) (A) *No state contractor*, prospective state contractor, *principal of a state contractor* or principal of a prospective state contractor, *with regard to a state contract or a state contract solicitation with or from* a state agency in the executive branch or *a quasi-public agency* or a holder, or principal of a holder, of a valid prequalification certificate, *shall make a contribution to*, or, on and after January 1, 2011, knowingly solicit contributions from the state contractor's or prospective state contractor's employees or from a subcontractor or principals of the subcontractor on behalf of (i) *an exploratory committee or candidate committee established by a candidate for nomination or election to the office of Governor, Lieutenant Governor, Attorney General, State Comptroller, Secretary of the State or State Treasurer*, (ii) a political committee authorized to make contributions or expenditures to or for the benefit of such candidates, or (iii) a party committee;

...

(C) If a state contractor or principal of a state contractor makes or solicits a contribution as prohibited under subparagraph (A) or (B) of this subdivision, as determined by the State Elections Enforcement Commission, the contracting state agency or quasi-public agency may, in the case of a state contract executed on or after February 8, 2007, void the existing contract with such contractor, and no state agency or quasi-public agency shall award the state contractor a state contract or an extension or an amendment to a state contract for one year after the election for which such contribution is made or *solicited unless the commission determines that mitigating circumstances exist concerning such violation*. No violation of the prohibitions contained in subparagraph (A) or (B) of this subdivision shall be deemed to have occurred if, and only if, the improper contribution is returned to the principal by the later of thirty days after receipt of such contribution by the recipient committee treasurer or the filing date that corresponds with the reporting period in which such contribution was made; [Emphasis added.]

5. After investigation, it was confirmed that Respondent, as the principal of a state contractor, made a single prohibited contribution in the amount of \$100.00 on January 24, 2019 to Wooden for Treasurer, a candidate committee for statewide office registered by Shawn T. Wooden. That committee is covered by the state contractor contribution ban, and the aforementioned contribution was not returned by the committee to Respondent. Respondent's contribution was prohibited by General Statutes § 9-612.

6. The following facts and assertions, remain credible after the investigation: (1) Respondent made a single contribution in the amount of \$100.00 to a candidate committee for statewide office; (2) At all times relevant to this complaint and investigation no funds from the loan from the CRDA to the Company have been released; (3) At the time of the contribution there was not an expectation by Respondent that his contribution to a candidate for statewide office would influence the awarding of a loan by CRDA to the Company; (4) CRDA and its agents were not made aware of this contribution until after the application process by the Company for a loan was commenced and, (5) The Respondent was not aware of this prohibition at the time of said contribution and did not intentionally violate said Statutes.
7. Nevertheless, because Respondent was owner of the Company, he is subject to the restrictions contained in General Statutes § 9-612 (f) (1) (F) (ii). The Commission concludes therefore that as a result of Respondent's position, the \$100.00 contribution to "*Wooden for Treasurer,*" a candidate committee that was established for statewide office, was a prohibited contribution in violation of § 9-612 (f) (2) (A).
8. The Commission finds that pursuant to General Statutes § 9-612 (f), a *mitigating circumstances* analysis is not reached unless the Commission determines that a violation has occurred. It follows that the violation by Respondent of the state contractor contribution prohibition, as detailed above, allows the Commission to determine whether "mitigating circumstances" exist concerning such violations pursuant to General Statutes § 9-612 (f) (2) (C).
9. General Statutes § 9-612 (f) (2) (C) provides possible relief from the mandatory contract penalty, and allows the Commission to determine whether "mitigating circumstances" exist concerning the violation. If mitigating circumstances are found by the Commission, the contractual penalty is not automatic, but the awarding agency retains discretion to amend a contract or award a new contract. The agency may still void a contract at its discretion if a violation of § 9-612 (f) (2) (C) occurs, even if mitigating circumstances are found pursuant to that section.
10. In determining whether circumstances are "mitigating," the Commission deems it necessary to consider any circumstances pertaining to the contribution by Respondent and the recipient candidate, the committee and its agents, as well as the contracts and agreements between the Company and the State of Connecticut, that would, although not excusing the

conduct, tend to reduce the harm the state contractor contribution ban is designed to prevent.

11. Concerning what constitutes a “mitigating factor” the Commission has previously stated that:

In determining whether mitigating circumstances exist regarding the violation, the Commission may take into consideration the following list of mitigating circumstances, which it should be noted, is not exhaustive:

- (a) The amount of the prohibited contribution or instance of solicitation;
- (b) The type of principal committing the violation;
- (c) Past history of noncompliance with election laws;
- (d) Whether the contractor or prospective state contractor exercised due diligence in notifying the principals of the statutory prohibitions;
- (e) The economic harm to the State;
- (f) The disruption of an essential State service; and
- (g) Any other circumstance that the contractor, prospective state contractor or contracting state agency may raise that, in the Commission’s determination, is relevant to whether such contractual consequences should be imposed.<sup>1</sup>

12. The Commission has consistently determined that pursuant to General Statutes § 9-612 (f) the state contractor prohibition is designed to eliminate the undue influence over the awarding of contracts that principals of state contractors who make contributions to candidate committees and exploratory committees for statewide office could wield over those state actors awarding such contracts and prevent awarding of contracts in exchange for campaign contributions. See *In the Matter of a Complaint by Carla Squatrito, et al.*, File No. 2010-112; *In the Matter of a Complaint by Gerald T Weiner, et al.*, File No. 2010-

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<sup>1</sup> *In the Matter of Northeast Utilities Service Company*, File No. 2007-381, Commission Finding of Mitigating Circumstances.

099; *In Re David Baxter, et al.*, File No. 2009-080; *In Re Charles Shivery*, File No. 2007-381; *In the Matter of Ronald Nault and Luchs Consulting Engineers, LLC*, File No. 2007-353; *In Re JCJ Architecture*, File 2008-120; *In Re Antinozzi Associates*, File No. 2014-009, *In the Matter of a Complaint by Curtis Robinson*, Plainville, File No. 2014-169; *In the Matter of a Complaint by Raymond Baldwin*, Trumbull, File No. 2015-009; *In the Matter of a Complaint by Raymond Baldwin*, Trumbull, File No. 2015-009; *Complaint by John Traynor*, Bridgeport, File No. 2018-002; and *Complaint by Shawn T. Wooden*, Hartford, File No. 2018-024.

13. The purpose of this self-reported potential violation of the state contractor contribution prohibition by Respondent to the Commission, was so that the Commission may determine and conclude if violations have occurred based on its review and investigation and if mitigating circumstances concerning such violations existed. The Commission determines in this instance that the following *mitigating circumstances* exist:
- (1) Respondent self-reported this matter, upon learning of his potential campaign finance violation;
  - (2) The contribution described herein was not made in connection with any request by Respondent that the candidate or recipient candidate committee and/or its agents provide assistance in the Company's efforts to receive a loan from CRDA.
  - (3) There was no discussion or agreement by Respondent or the Company and the candidate or recipient candidate committee and its agents and the CRDA suggesting or implying that Respondent or the Company might receive some favored treatment from CRDA pertaining to its loan application in exchange for the contribution to the statewide candidate committee.
14. The Commission concludes pursuant to General Statutes § 9-612 (f) (2) (C) that *mitigating circumstances* existed pertaining to the violation found in connection with the contribution by Respondent to the committee named herein.

15. The Commission determines after investigation that the policy behind General Statutes § 9-612 (f) to address "pay-to-play" schemes relating to campaign contributions and the awarding of state contracts was not circumvented under these narrow facts and circumstances.
16. 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. Respondent shall receive a copy hereof as provided in § 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 by either party as an admission in any subsequent hearing or against the Company in any proceeding, if the same becomes necessary.
18. 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.
19. Upon Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against Respondent.

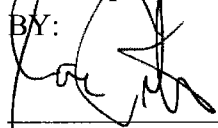
**ORDER**

IT IS HEREBY ORDERED THAT the Respondent shall henceforth strictly comply with the requirements of General Statutes § 9-612(f); and,

IT IS HEREBY FURTHER ORDERED THAT the Respondent shall make a remittance in the amount of one hundred dollars (\$100.00) to the Commission, in full and final resolution of this matter.

The Respondent:

BY:

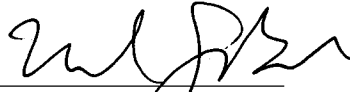


Joseph Citino  
133 Cliffwood Drive  
South Windsor, Connecticut

Dated: December 18, 2019

For the State of Connecticut:

BY:



Michael J. Brandi  
Executive Director and General Counsel  
And Authorized Representative of the  
State Elections Enforcement Commission  
20 Trinity Street, Suite 101  
Hartford, Connecticut

Dated: 12/18/19

Adopted this 15<sup>th</sup> day of January, 2020 at Hartford, Connecticut



~~Anthony J. Castagno, Chairman~~  
By Order of the Commission  
Stephen T. Penny