

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint by Rohan E. Freeman (Self-Report),
Hartford,

File No. 2020-038

AGREEMENT CONTAINING CONSENT ORDER

This agreement by and between Rohan E. Freeman, of the City 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 Respondent, who at all times relevant to this complaint, is the President and CEO of Freeman Companies (hereinafter "Company") and self-reported a potential violation of Connecticut General Statutes § 9-612.

2. Respondent admits that he "apparently" made a prohibited contribution to a political committee as the principal of a state contractor. More specifically, Respondent asserted that:

I am writing to submit a "Self Reporting Complaint of an error in our OPM Ethics form 1 (attached) sent to CRDA (and then the State Properties Review Board) as part of the firm's pending bond commission application.

...

I apparently made a financial contribution of \$ 100 back on August 21, 2019 to "BDTC" [Bloomfield Democratic Town Committee] not knowing it was an organization that contributed to statewide candidates (information I have just recently learned myself).

...

I understand that this Self Reporting Complaint may involve an investigation by SEEC and SEEC will provide a determination. Please contact me so we can discuss in greater detail how I can remedy this (unknowing) mistake.

3. .By way of background, Respondent has one prior case with the Commission , where he reported a single prohibited contribution and resolved the matter by agreeing to henceforth strictly comply with General Statutes § 9-612 in File No. 2019-098.¹

¹ The Commission does not weigh this prior matter against Respondent, in considering this disposition, as (1) the consent agreement was negotiated and signed within two weeks after the contribution subject to this matter and

4. The Company appeared on the Commission's *List Two – Contractors Prohibited from Contributing to Statewide Candidates*, prior to the filing of this complaint and at the time of the contribution detailed herein.²

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

therefore was not in violation of its order, and; (2) there is nothing in the current or former matter that would have lead Respondent to understand that party (town) committees were within the sweep of the state contractor contribution ban.

² Revised prior to the filing of this complaint as of January 2019.

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;

6. 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 to the BDTC, a party (town) committee that was authorized to make contributions to statewide candidates. Counsel notes that in Commission File No. 2019-098 Respondent self-reported a contribution on July 9, 2019 to the Urban Progression PAC which was settled by a consent order signed by him on September 4, 2019 and adopted by the commission on September 18, 2019. This contribution he self-reported in this complaint was made on August 22, 2019.
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.³

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. 2010-099; *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. Respondent asks that should the Commission find a violation of General Statutes § 9-612 (f) it also under its authority determine that mitigating circumstances concerning such violation 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 *In the Matter of Northeast Utilities Service Company*, File No. 2007-381, Commission Finding of Mitigating Circumstances.

- (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.

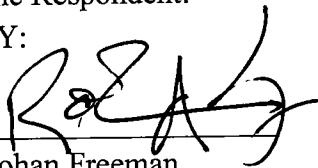
ORDER

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 pay a penalty in the amount of two hundred dollars (\$200.00) to the Commission, in full and final resolution of this matter.

The Respondent:

BY:



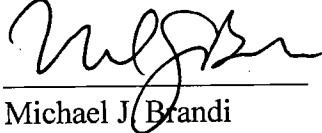
Rohan Freeman

~~133 Cliffwood Drive 36 John St~~
~~South Windsor, Connecticut~~
Hartford, CT 06106

Dated: 9/29/20

For the State of Connecticut:

BY:

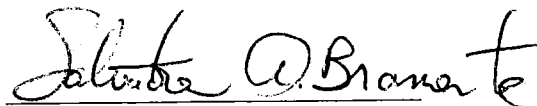


Michael J. Brandi

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

Dated: 10/16/20

Adopted this 7th day of October, 2020 at Hartford, Connecticut



~~Anthony J. Castagno, Chairman~~

By Order of the Commission
Salvatore Bramante, Vice-Chair

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