

OFFICE OF STATE ETHICS

DOCKET NUMBER 2013-21	:	OFFICE OF STATE ETHICS
DOCKET NUMBER 2013-22	:	
	:	
IN THE MATTER OF	:	18-20 TRINITY STREET
	:	
COMPLAINTS AGAINST	:	HARTFORD, CT 06106
	:	
CPV TOWANTIC, LLC.	:	OCTOBER 15, 2014
CPV DANBURY	:	

STIPULATION AND CONSENT ORDER

Pursuant to the Code of Ethics, General Statutes § 1-79, et seq., Thomas K. Jones, Ethics Enforcement Officer for the Office of State Ethics (“OSE”), issued a Complaint against the Respondent, CPV Towantic, LLC (“Respondent Towantic”) for violations of the Code of Ethics for Lobbyists, General Statutes §§ 1-96 (a) and (e), 1-97 (d) and 1-95 (a). Based on the investigation by the Enforcement Division of the OSE, the Ethics Enforcement Officer finds there is probable cause to believe that Respondent Towantic, who was a client lobbyist registrant, violated the Code of Ethics as set forth in the Complaint.

Pursuant to the Code of Ethics, General Statutes § 1-79, et seq., Thomas K. Jones, Ethics Enforcement Officer for the OSE, issued a Complaint against the Respondent, CPV Danbury (“Respondent Danbury”) for violations of the Code of Ethics for Lobbyists, General Statutes §§ 1-96 (a), (e) and 1-97 (d). Based on the investigation by the Enforcement Division of the OSE, the Ethics Enforcement Officer finds there is probable cause to believe that Respondent Danbury, who was a client lobbyist registrant, violated the Code of Ethics as set forth in the Complaint.

The Parties have entered into this Stipulation and Consent Order following the issuance of the Complaints, but without any adjudication of any issue of fact or law herein.

I. STIPULATION

The Office of State Ethics and the Respondents stipulate to the following facts:

1. During 2012, Respondent Towantic and Respondent Danbury, were client lobbyist registrants as defined in General Statutes § 1-91 (q) and (u).
2. At all times relevant hereto, Respondent Towantic was a subsidiary of CPV Power Development, Inc.
3. At all times relevant hereto, Respondent Danbury was also a subsidiary of CPV Power Development, Inc.
4. Pursuant to General Statutes § 1-96, a client lobbyist registrant is required to file periodic financial reports, signed under penalty of false statement.
5. Under General Statutes § 1-96 (a), the periodic financial reports shall cover the client lobbyist registrants lobbying activities during the period covered. More specifically, the April and July reports shall cover its lobbying activities during the previous calendar quarter and the January report shall cover its lobbying activities during the previous two calendar quarters.
6. Furthermore, under General Statutes § 1-96 (e), the financial reports must include an itemized statement of each expenditure of ten dollars or more per person for each occasion made by the reporting registrant or a group of registrants which includes the reporting registrant for the benefit of a public official in the legislative or executive

branch, a member of his staff or immediate family, itemized by date, beneficiary, amount and circumstances of the transaction.

7. Pursuant to General Statutes § 1-96 (e) and Regulations of Connecticut State Agencies § 1-92-48 (b), the financial reports of all client registrants...“shall include a detailed statement of each expenditure, valued at ten dollars or more per person per occasion or transaction, made for the benefit of a public official or a member of a public official’s staff or immediate family, whether the expenditures are in furtherance of lobbying or unrelated to lobbying.”

8. On September 5, 2012, during the Democratic National Convention, the Respondents hosted a breakfast at a restaurant in Charlotte, North Carolina, sponsored by CPV Power Development, Inc. Eleven state employees, public officials and/or members of a public official’s staff or immediate family attended the breakfast.

9. Although the cost per person for the breakfast exceeded ten dollars, the Respondents each failed to itemize any of the expenditures on their respective third and fourth quarter financial reports of 2012 (ETH-2D).

10. Failure to file a ETH-2D for the third and fourth quarter financial report of 2012 that accurately reflected these expenditures, constitutes a violation of General Statutes § 1-96 (a).

11. Failure to itemize any of these expenditures on their respective third and fourth quarter financial reports of 2012 (ETH-2D), constitutes a violation of General Statutes § 1-96 (e).

12. Under General Statutes § 1-97 (d), Any person who gives to a public official, state employee or candidate for public office, or a member of any such person's

staff or immediate family anything of value which is subject to the reporting requirements pursuant to subsection (e) of § 1-96 shall, not later than ten days thereafter, give such recipient a written report stating the name of the donor, a description of the item or items given, the value of such items and the cumulative value of all items given to such recipient during that calendar year.

13. After hosting the breakfast in Charlotte, North Carolina, Respondents did not provide any of the Connecticut attendees a written report describing the items given or the value thereof.

14. By failing to provide a written report required by General Statutes § 1-97 (d) to each of the attendees of the breakfast hosted by the Respondents, Respondents each violated § 1-97 (d).

15. Under General Statutes § 1-95 (a), each registrant shall file every two years with the Office of State Ethics on a registration form signed under penalty of false statement on or before January fifteenth of odd-numbered years or prior to the commencement of lobbying whichever is later.

16. Respondent Towantic filed its ETH-1B Client Lobbyist Registration for 2012 on September 28, 2012, 23 days after making expenditures for lobbying.

17. The failure to file a ETH-1B prior to making expenditures for lobbying constitutes a violation of General Statutes § 1-95 (a).

18. Respondent Towantic admits to the foregoing facts and admits that such facts constitute violations of the Code of Ethics, General Statutes §§ 1-96 (a), 1-96 (e), 1-97 (d) and 1-95 (a).

19. Respondent Danbury admits to the foregoing facts and admits that such facts constitute violations of the Code of Ethics, General Statutes §§ 1-96 (a), 1-96 (e) and 1-97 (d).

II. RESPONDENT'S POSITION

1. Respondents state that such conduct was inadvertent and not intentional.
2. Respondents state that they have cooperated with the Office of State Ethics in this case; and the Respondents do not have a prior enforcement history with the Office of State Ethics.
3. Respondents state that they are resolving this matter to avoid further litigation.

III. JURISDICTION

1. The Ethics Enforcement Officer is authorized to investigate the Respondents' acts as set forth herein and to issue a Complaint against the Respondents.
2. The provisions of this Stipulation and Consent Order apply to and are binding upon the Respondents.
3. The Respondents hereby waive all objections and defenses to the jurisdiction of the Office of State Ethics over matters addressed in this Stipulation and Consent Order.
4. The Respondents waive any rights they may have under General Statutes §§ 1-80, 1-82, 1-82a, 1-87 and 1-88, including the right to a hearing or appeal in this case, and agree with the Office of State Ethics to an informal disposition of this matter as authorized by General Statutes § 4-177 (c).
5. The Respondents consent to jurisdiction and venue in the Connecticut Superior Court, Judicial District of Hartford, in the event that the State of Connecticut

seeks to enforce this Stipulation and Consent Order. The Respondents recognize that the Connecticut Superior Court has the authority to specifically enforce the provisions of this Stipulation and Consent Order, including the authority to award equitable relief.

6. The terms set forth herein are in addition to, and not in lieu of, any other existing or future statutory, regulatory, or other legal obligation that may be applicable to the Respondents.

7. The Respondents understand they have the right to counsel and have been represented by counsel throughout the investigation and the negotiation of this Consent Order.

IV. ORDER

NOW THEREFORE, pursuant to General Statutes § 4-177 (c), the Office of State Ethics hereby **ORDERS**, and the Respondents agree, that:

1. Pursuant to General Statutes § 1-88 (a) (1), the Respondents will heretofore cease and desist from any future violation of General Statutes § 1-96 (a).

2. Pursuant to General Statutes § 1-88 (a) (1), the Respondents will heretofore cease and desist from any future violation of General Statutes § 1-96 (e).

3. Pursuant to General Statutes § 1-88 (a) (1), the Respondents will heretofore cease and desist from any future violation of General Statutes § 1-97 (d).

4. Pursuant to General Statutes § 1-88 (a) (1), Respondent Towantic will heretofore cease and desist from any future violation of General Statutes § 1-95 (a).

5. Pursuant to General Statutes § 1-88 (a) (3), the Respondents will pay a civil penalty to the State in the aggregate amount of five thousand two hundred and thirty dollars (\$5,230) for their alleged violations of General Statutes §§ 1-96 (a), 1-96 (e), 1-97 (d) and 1-95 (a) as set forth in the Complaint pertaining to Respondent Towantic and

General Statutes §§ 1-96 (a), 1-96 (e), 1-97 (d) as set forth in the Complaint pertaining to Respondent Danbury.

WHEREFORE, the Office of State Ethics and the Respondent hereby execute this Stipulation and Consent Order dated October 15, 2014.

Dated: 10/23/14



CPV Power Development, Inc.
On behalf of Respondents CPV Towantic,
LLC and CPV Danbury
50 Braintree Hill Office Park - Suite 300
Braintree, MA 02184

Robert F. Shea, Jr., Counsel

Dated: 10/23/2014



Charles F. Chiusano, Chairman
Citizen's Ethics Advisory Board of the Office
of State Ethics
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