

OFFICE OF STATE ETHICS

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| DOCKET NUMBER 2014-19 | : | OFFICE OF STATE ETHICS |
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| IN THE MATTER OF A | : | 18-20 TRINITY STREET |
| | : | |
| COMPLAINT AGAINST | : | HARTFORD, CT 06106 |
| | : | |
| ROBERT SILVERBERG | : | JANUARY 22, 2015 |

STIPULATION AND CONSENT ORDER

Pursuant to the Code of Ethics, General Statutes § 1-79, et seq., Thomas K. Jones, Ethics Enforcement Officer for the OSE (“OSE”), issued a Complaint against the Respondent, Robert Silverberg (“Silverberg” or “Respondent”) for violations of the Code of Ethics for Lobbyists, General Statutes § 1-97 (b). Based on the preliminary investigation by the Enforcement Division of the OSE, the Ethics Enforcement Officer finds, and Respondent admits, there is probable cause to believe that the Respondent 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 Complaint, but without any adjudication of any issue of fact or law herein.

I. STIPULATION

The OSE and the Respondent stipulate to the following facts:

1. Beginning no later than 2009, Respondent Silverberg, was the managing partner and sole member of Morris|London, LLC, a domestic limited liability company organized under Connecticut law, with its principle place of business located at 274 East Opal Drive, Glastonbury, Connecticut (“Morris|London”).

2. On or about July 2012, Silverberg, on behalf of Morris|London, entered into an agreement to provide lobbying services on behalf of a client (the “lobbying client”) in exchange for more than two thousand dollars (\$2,000.00) in compensation (the “lobbying contract”). The lobbying contract was thereafter amended on several occasions prior to its termination in 2014.

3. Beginning no later than July 2012, and continuing until no earlier than January 2014, Silverberg engaged in lobbying on behalf of the lobbying client pursuant to the lobbying contract.

4. As part of the lobbying contract, Silverberg and/or Morris|London, was to receive extra compensation if the outcome of the lobbying contract was successful. As such, the amount of compensation to be received by Silverberg, and/or Morris|London, under the lobbying contract was contingent upon the outcome of administrative or legislative action.

5. Pursuant to General Statutes § 1-97 (b), “no person shall be employed as a lobbyist for compensation which is contingent upon the outcome of any administrative or legislative action.”

6. By being employed as a lobbyist for compensation which was contingent upon the outcome of administrative or legislative action, Silverberg violated General Statutes § 1-97 (b).

7. Respondent admits to the foregoing facts and admits that such facts constitute violations of the Code of Ethics, General Statutes § 1-97 (b).

II. RESPONDENT'S POSITION

1. Respondent states that he did not intend to violate any ethics rules.

Respondent states that he was not aware that the services that he was providing for his clients' energy efficiency products and services were subject to the ethics laws relating to registration, reporting and contingency fees. He believed that he was engaged in sales activities that were not lobbying.

2. Respondent apologizes for any oversight or misunderstanding that he made regarding the distinction between lobbying and salesperson exemption provisions of the ethics laws.

3. Respondent states that he has in the past registered as a communicator lobbyist with the OSE when he has been performing legislative lobbying at the State Capitol.

4. Respondent states that he is resolving this matter to acknowledge his mistakes and to move forward in order to comply with this Order and with the ethics laws.

5. Respondent states that he no longer has any contracts in effect that contemplate any payments that would be contingent on the outcome of the contract.

6. Respondent states that he never received any contingency fee payment from any client.

7. Respondent states that he renounces any claim he may have, under any previous contract, to any monies that he may have received pursuant to any contingency provision.

III. JURISDICTION

1. The Ethics Enforcement Officer is authorized to investigate the Respondent's acts as set forth herein and to issue a Complaint against the Respondent.
2. The provisions of this Stipulation and Consent Order apply to and are binding upon the Respondent.
3. The Respondent hereby waives all objections and defenses to the jurisdiction of the OSE over matters addressed in this Stipulation and Consent Order.
4. The Respondent waives any rights he may have under General Statutes §§ 1-91, 1-93, 1-93a, 1-98 and 1-99, including the right to a hearing or appeal in this case, and agrees with the OSE to an informal disposition of this matter as authorized by General Statutes § 4-177 (c).
5. The Respondent consents 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 Respondent recognizes 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. Notwithstanding the above paragraph 5, Respondent consents to the jurisdiction of the Office of State Ethics for the purpose of a determination of whether Respondent is in compliance with this Stipulation and Consent Order. Respondent understands and agrees that any hearing in determination of compliance shall be subject to the Uniform Administrative Procedures Act. In any such compliance hearing, Respondent understands and agrees that a finding of non-compliance may result in the revocation of the suspended imposition of penalties, and that the Board may reinstate any or all of the penalties set forth in the Order below. Respondent further understands that

any finding of non-compliance with this Stipulation and Consent Order will be in addition to, and not in lieu of, any other enforcement action for any conduct that violates this Stipulation and Consent Order in addition to another provision of the Code of Ethics.

7. Any failure of the Office of State Ethics to enforce the terms of the Stipulation and Consent Order shall not constitute a waiver of its right to enforce the Stipulation and Consent Order in the event of future violations of the Stipulation and Consent Order

8. 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 Respondent.

9. The Respondent understands that he has the right to counsel and has been represented by counsel throughout the preliminary investigation and the negotiation of this Stipulation and Consent Order.

IV. ORDER

NOW THEREFORE, pursuant to General Statutes § 4-177 (c), the OSE hereby **ORDERS**, and the Respondent agrees, that:

1. Pursuant to General Statutes § 1-99 (a) (1), the Respondent will heretofore cease and desist from any future violation of General Statutes § 1-97 (b).

2. Pursuant to General Statutes § 1-99 (a) (3), the Respondent will pay a civil penalty to the State in the amount of ten thousand dollars (\$10,000.00) for his violation of General Statutes § 1-97 (b) as set forth in the Complaint.

3. Of the civil penalty set forth above, payment of ten thousand dollars (\$10,000.00) of such civil penalty shall be suspended, pending and conditioned on Respondent's compliance with the following terms and conditions:

- a. For a period of five (5) years, Respondent shall seek and receive written guidance from the Legal Division of the Office of State Ethics prior to Respondent, or any business with which he is associated, entering into any contract with any person that requires, calls for, or under which it is reasonably foreseeable, that Respondent might be expected to contact any state public official or state employee in the performance of the contract.
- b. For a period of five (5) years, Respondent shall keep a record of all written communications sent to any state employee or public official in the Executive Branch on behalf of any client, irrespective of whether Respondent believes that the contact was for purposes of lobbying or sales to a state agency or commission. The record shall include: (1) the name of the client on whose behalf the written communication was made; (2) the name of the state employee or public official; (3) the date and time of the written communication. The record created by this subsection shall be maintained as a “document necessary to substantiate the financial reports required by section 1-96” pursuant to General Statutes § 1-96a.
- c. For a period of ten (10) years, prior to entering into any sales contract that requires, suggests, or in any way contemplates that any payment thereunder is in any way contingent upon the outcome of any state governmental action, Respondent shall present such proposed contract to the Legal Division of the Office of State Ethics, and shall request and receive guidance as to whether the Code of Ethics would permit the Respondent to enter into such contract.

- d. For a period of ten (10) years, on or before January 15 of each year, Respondent shall provide the Ethics Enforcement Officer a list of all clients with whom Respondent had a contract, which list shall include: (1) the name and address of the client; (2) the contact person for Respondent at the client; (3) the services to be provided by Respondent under the contract; (4) the amount of compensation to be provided under the contract; (5) the effective dates for the performance of the contract; and, (6) whether the Respondent believes that the contract was related to sales to a state agency or commission, or lobbying.
- e. For a period of ten (10) years, within ten (10) days of the entry of any sales contract, or the date on which Respondent begins performing services under the contract, whichever is earlier, Respondent shall provide the Ethics Enforcement Officer a complete copy of any contract entered into by Respondent that contains any provision that contemplates any future action or benefit that is contingent upon the outcome of the services provided under the contract.
- f. For a period of five (5) years, Respondent, and any business with which he is associated, shall maintain all records pursuant to General Statutes § 1-96a for all clients of Respondent, or any business with which Respondent is associated, irrespective of whether Respondent believes the records pertain to non-lobbying activity.
- g. Upon written request of the Office of State Ethics, Respondent, and any business with which he is associated, shall for a period of five (5) years

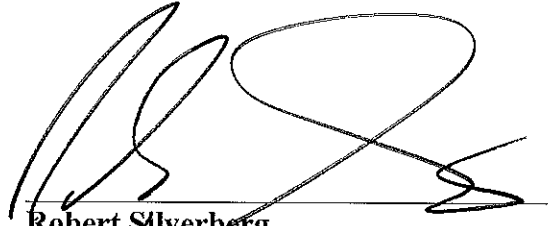
make all records kept pursuant to this Stipulation and Consent Order and/or General Statutes § 1-96a available for inspection and copying by the Office of State Ethics.

- h. Within sixty (60) days of the entry of this Stipulation and Consent Order, Respondent shall complete all registration forms and financial disclosures for all clients Respondent represented during the 2013-14 biennium as required by the Code of Ethics for Lobbyists, General Statutes §§ 1-94 through 1-96, and as further directed by the Ethics Enforcement Officer.
- i. For a period of five (5) years, the Respondent shall annually attend at least one training session conducted by the Office of State Ethics regarding the Code of Ethics for Lobbyists.

WHEREFORE, the OSE and the Respondent hereby execute this Stipulation and Consent Order dated January __, 2015.

Dated: _____

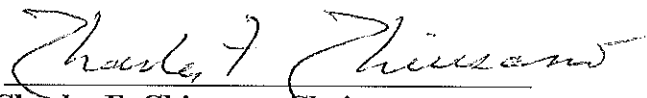
1/21/15



Robert Silverberg
274 East Opal Drive,
Glastonbury, CT 06033

Dated: _____

1/22/15



Charles F. Chiusano, Chairman
Citizen's Ethics Advisory Board of the OSE
18-20 Trinity Street, 2nd Floor
Hartford, CT 06106