



DOCKET NUMBER 2018-14	:	OFFICE OF STATE ETHICS
	:	
IN THE MATTER OF A	:	18-20 TRINITY STREET
	:	
COMPLAINT AGAINST	:	HARTFORD, CT 06106
	:	
DAVID J. KOZAK	:	MARCH 6, 2019

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, David J. Kozak (“Kozak” or “Respondent”) for violations of the Code of Ethics for Lobbyists, Connecticut General Statutes §§ 1-91, *et seq.* Based on the investigation by the Enforcement Division of the OSE, the Office of State Ethics finds there is probable cause to believe that the Respondent violated the Code of Ethics for Lobbyists by failing to timely register as required by General Statutes §§ 1-94 and 1-95, and failing to timely file a financial report with the Office of State Ethics, as required by General Statutes § 1-96.

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 Office of State Ethics and the Respondent stipulate to the following facts:

1. At all times relevant hereto, the Respondent David J. Kozak was a principal of Kozak & Salina, LLC (“K&S”), a “business organization,” as that term is defined by General

Statutes § 1-91 (20).

2. On or about December 2014, K&S entered into a one-year contract with a North Branford business to provide “government relations and strategic consulting services” beginning on January 1, 2015 and ending on December 31, 2015.

3. In furtherance of the contract with the North Branford business, Kozak met and communicated directly with state employees and public officials at the Department of Education for the purpose of influencing the employees and officials to enter into a “pilot project” with the North Branford business, wherein the North Branford business would provide certain security and lighting equipment for a state facility.

4. Pursuant to the contract that K&S entered into with the North Branford business, Kozak received two thousand dollars or more for his communications with state employees and public officials on behalf of the North Branford business. Kozak was therefore a “communicator lobbyist,” as that term is defined by General Statutes § 1-91 (12) (H).

5. Pursuant to General Statutes § 1-94, Kozak was required to register as a communicator lobbyist with the Office of State Ethics when he received or agreed to receive two thousand dollars or more for lobbying.

6. Kozak did not register with the Office of State Ethics as a lobbyist on behalf of the North Branford business for the biennium that began in 2015.

7. Pursuant to General Statutes § 1-96 (b), Kozak was required to file an annual financial disclosure statement with the Office of State Ethics, “between the first and tenth day of January,” reporting the amounts of compensation and reimbursement received from each of his clients during the previous year.

8. Kozak did not file an annual financial disclosure statement between the first and

tenth day of January of 2016, reporting the amounts of compensation and reimbursement received from the North Branford business.

II. RESPONDENT'S POSITION

1. Respondent states that the lobbying that took place on behalf of the North Branford business was an effort to donate equipment to the state, and that the North Branford business was not seeking, nor did it receive, any state funds.

2. Respondent states that his failure to register on behalf of the North Branford business was unintentional and based on a misunderstanding of the requirements of the Code of Ethics. Respondent believed that, because the North Branford business was not seeking state funds, Respondent's conduct on the business' behalf did not constitute lobbying.

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 Office of State Ethics, through the Citizen's Ethics Advisory Board, is authorized to enter into this Stipulation and Consent Order.

3. The provisions of this Stipulation and Consent Order apply to and are binding upon the Respondent.

4. The Respondent hereby waives all objections and defenses to the jurisdiction of the Ethics Enforcement Officer over matters addressed in this Stipulation and Consent Order.

5. The Respondent waives any rights he may have under General Statutes §§ 1-91, 1-93, 1-93a, 1-98, 1-99 and 4-183, including the right to a hearing or appeal in this case, and agrees with the Office of State Ethics to an informal disposition of this matter as authorized by General Statutes § 4-177 (c).

6. Except as otherwise expressly set forth herein, 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.

7. 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.

8. The Respondent understands that this Stipulation and Consent Order is subject to the approval of the Citizen's Ethics Advisory Board and is not final until signed. If the Citizen's Ethics Advisory Board does not approve this Stipulation and Consent Order, and this matter proceeds to a hearing before the Board, Respondent expressly waives any objection he may have to the Board presiding over a hearing in this matter based on the Board's previous consideration of this Stipulation and Consent Order.

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

IV. ORDER

NOW THEREFORE, pursuant to General Statutes § 4-177 (c), the Office of State Ethics 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 §§ 1-94, 95 and 96(b).

2. Pursuant to General Statutes §§ 1-94 and 1-95, Respondent will timely register

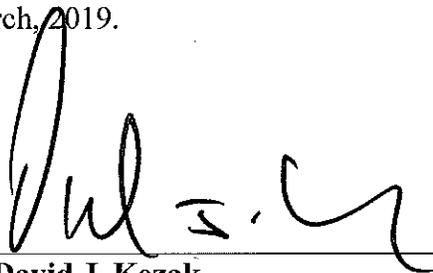
with the Office of State Ethics for any period in he receives or agrees to receive two thousand dollars (\$2,000.00) or more for lobbying or in furtherance of lobbying in any calendar year.

3. Pursuant to General Statutes § 1-96 (b), Respondent will timely file accurate financial reports with the Office of State Ethics for any period in which he is registered as a communicator lobbyist.

4. Pursuant to General Statutes § 1-99 (a) (3), the Respondent will pay civil penalties to the State in the amount of three thousand dollars (\$3,000.00) for his violations of the Code of Ethics for Lobbyists as set forth in the Complaint.

WHEREFORE, the Ethics Enforcement Officer and the Respondent hereby execute this Stipulation and Consent Order dated 21 March, 2019.

Dated: 3/6/19



David J. Kozak
Respondent

Dated: 3/21/19



Dena Castricone, Chair
Citizen's Ethics Advisory Board
Connecticut Office of State Ethics
18-20 Trinity Street
Hartford, CT 06106