

88-5



STATE OF CONNECTICUT  
STATE ETHICS COMMISSION

June 6, 1988

P R E S S   R E L E A S E

On May 2, 1988, Ethics Commission Staff Attorney Lisa Doyle Moran filed complaints (Docket Nos. 88-2, 88-3 and 88-5) against the Connecticut Hospital Association and two of its employees, Mr. Stephen Frayne and Mr. Donald Berkowitz. The complaint against CHA, as amended, alleged the following:

- 1.) The Association failed to report any of its expenditures for administrative lobbying on Commission on Hospitals and Health Care regulations which set guidelines for the setting of price controls on hospitals;
- 2.) The Association failed to report fully its expenditures for activities in furtherance of legislative lobbying on hospital price control legislation; and
- 3.) The Association failed to report expenditures for media solicitations of the general public to communicate with their legislators on hospital price control legislation.

The complaints against Mr. Frayne and Mr. Berkowitz alleged that they had failed to register as lobbyists on behalf of CHA for calendar year 1987.

On June 6, 1988 the Ethics Commission and the Respondents settled these matters by entering into Stipulations and Orders, copies of which are attached. Under the stipulations, the Respondents admitted they violated the Code of Ethics for Lobbyists and agreed to pay fines totalling \$5,000.

FOR FURTHER INFORMATION CALL:  
Alan Plofsky or Lisa Doyle Moran  
State Ethics Commission  
566-4472

97 Elm Street — Rear ~~10 Trinity Street~~ Phone: (203) 566-4472  
Hartford, Connecticut 06106  
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STATE OF CONNECTICUT  
STATE ETHICS COMMISSION

C O N F I D E N T I A L

DOCKET NUMBER 88-5 ) STATE ETHICS COMMISSION  
 IN THE MATTER OF A ) 97 ELM STREET (REAR)  
 COMPLAINT AGAINST ) HARTFORD, CONN. 06106  
 MR. DONALD BERKOWITZ ) MAY 31, 1988

STIPULATION AND ORDER

1. The Commission finds that the Respondent violated Chapter 10, Part II, General Statutes, as alleged in the attached Complaint but that the violation was not intentional, knowing or willful.

2. The Respondent admits violating Chapter 10, Part II, General Statutes. The Respondent states that he did not intentionally, knowingly or willfully violate Chapter 10. Respondent considered himself a technical advisor, therefore, he did not believe that the registration requirements applied to him.

3. The Respondent waives any rights he may have under section 1-93 and 1-93a, General Statutes and agrees with the State Ethics Commission to an informal disposition of this matter as permitted by subsection 4-177(d), General Statutes.

WHEREFORE, the State Ethics Commission enters, and Mr. Donald Berkowitz agrees to, these orders: In lieu of any other action it is authorized to take with respect to this matter, the Commission orders the Respondent within thirty days to (1) register as a lobbyist on behalf of Connecticut Hospital Association for calendar year 1987; (2) as a lobbyist for Connecticut Hospital Association, file the communicator lobbyist financial reports required by section 1-96, General Statutes; (3) pay a civil penalty of \$500; and (4) henceforth, comply with the registration requirements of the Code of Ethics for Lobbyists, Chapter 10, Part II, General Statutes.

Donald A. Berkowitz  
Respondent

June 2, 1988  
Dated

William A. Elm  
Chairperson  
State Ethics Commission

6-6-88  
Dated

Phone: (203) 566-4472

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CONNECTICUT STATE ETHICS COMMISSION  
97 ELM STREET (REAR)  
HARTFORD, CONNECTICUT 06106  
TELEPHONE NUMBER 566-4472

COMPLAINT

THE STATE ETHICS COMMISSION ISSUES A COMPLAINT ALLEGING A VIOLATION OF:

\_\_\_\_\_ THE CODE OF ETHICS FOR PUBLIC OFFICIALS AND STATE EMPLOYEES, CHAPTER 10, PART I, GENERAL STATUTES

\_\_\_\_\_ xx THE CODE OF ETHICS FOR LOBBYISTS, CHAPTER 10, PART II, GENERAL STATUTES

TIME AND DATE MATTERS COMPLAINED OF OCCURRED: July 1, 1987 through December 31, 1987

PLACE VIOLATION OCCURRED: Hartford, Connecticut and Wallingford, Connecticut

PERSONS INVOLVED: Mr. Donald Berkowitz

WITNESSES: Ms. Sue E. Stanley, Director of Operations, Commission on Hospitals and Health Care; Commissioners of Commission on Hospitals and Health Care.

CIRCUMSTANCES WHICH INDICATE THAT THE CODE OF ETHICS DESIGNATED ABOVE WAS VIOLATED ARE AS FOLLOWS (A SHORT, PLAIN STATEMENT ALLEGING A VIOLATION OF CHAPTER 10, GENERAL STATUTES):

(see attached)

(OVER)

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*Lisa Doyle Moran*  
SIGNATURE

*May 2, 1988*  
DATE

COMPLAINANT'S NAME AND ADDRESS: STATE ETHICS COMMISSION  
97 ELM STREET (REAR)  
HARTFORD, CT 06106

COMPLAINANT'S TELEPHONE NUMBER: 566-4472

It is hereby alleged that:

1. Between approximately July 1, 1987 and December 31, 1987 Mr. Donald Berkowitz (hereinafter the Respondent) acting on behalf of the Connecticut Hospital Association engaged in various activities for the purpose of influencing "Administrative action" as that term is defined in subsection 1-91(a), General Statutes. Said activities included both "Lobbying" as that term is defined in subsection 1-91(k), General Statutes and acts "...in furtherance of lobbying..." as that term is used in subsection 1-91(l), General Statutes.

2. Said activities were undertaken by the Respondent for compensation from the Connecticut Hospital Association.

3. By virtue of said compensated activities on behalf of the Connecticut Hospital Association, the Respondent was required to register with the State Ethics Commission as a lobbyist for the Connecticut Hospital Association for calendar year 1987 prior to commencing lobbying for said association.

4. The Respondent did not so register before commencing lobbying for the Connecticut Hospital Association, nor has he subsequently done so.

5. The Respondent's failure to register with the State Ethics Commission as a lobbyist for the Connecticut Hospital Association for calendar year 1987 violates sections 1-94 and 1-95, General Statutes.